

THE
PARLIAMENTARY
OR
CONSTITUTIONAL
History of England;
BEING A
FAITHFUL ACCOUNT

Of all the
Most remarkable TRANSACTIONS
IN PARLIAMENT,
From the earliest TIMES,
TO THE
Restoration of King CHARLES II.

COLLECTED

From the RECORDS, the JOURNALS of both HOUSES, original MANUSCRIPTS, scarce SPEECHES, and TRACTS; all compared with the several Cotemporary Writers, and connected, throughout, with the History of the Times.

By SEVERAL HANDS.

—*Juvat integros accedere Fontes.*

6

VOL. IX.

From the first Meeting of the Long Parliament November 3, 1640, to their Recess, in September 1641.

L O N D O N,

Printed, and sold by WILLIAM SANDBY, against St. Dunstan's Church, Fleet-street. MDCCLIII.

INTRODUCTION

TO THE

NINTH VOLUME

WE now present to the World
Five Volumes more of the
Parliamentary History of

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neral Aim and Intention of this Work is to
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INTRODUCTION

TO THE NINTH VOLUME.

WE now present to the World Five Volumes more of the *Parliamentary History* of England; and tho' the general Aim and Intention of this Work is so fully set forth in the *Preface* to the first, that it might seem unnecessary to offer any thing further on the Subject, yet the Interesting Crisis we are now upon demands the Reader's Attention to a few Observations on some of the principal Contemporary Collectors and Historians of that Age.

AND first, Mr. *Rusworth*: Whose Mistakes, in the Times we have pass'd over, have been already taken Notice of; but most of these seem to be owing rather to the Negligence and Ignorance of Transcribers, than to any partial Intention of his own. Nevertheless, in his *Collections*, almost all the

Proceedings of the House of *Lords*, in the Parliament we are now upon, are omitted, except where they concurr'd with the prevailing Party of the Commons: And upon those Authorities it appears, that there were very few Instances of any Attack upon the Just and Legal Prerogatives of the Crown; but what stood great Debate amongst the Peers; a Negative being put upon many Motions for their Concurrence with the Commons; others carried by a single Vote; and Protefts enter'd in Form by the alternate Minorities: And most of these after the Bishops had either voluntarily absented themselves, or were removed from their Seats in Parliament; which Proceedings are here duly entered in their proper Series.

THE next is Dr. *Nalson*: Who, in his *Collections*, seems to have taken as much Pains in detecting the Mistakes of Mr. *Rusworth*, as Mr. *Tyrrel* has done those of Dr. *Brady*, in the former Part of this Work; but tho' these consist of two large Volumes in *Folio*, yet they proceed no farther than *January 1641*; and abound so much with Party-Prejudice, as renders a Search through them
very

very tedious, even though they were less voluminous.—But as he has been very minute and particular, so far as he goes, many authentic Circumstances have been borrowed from him, not taken Notice of by others.

IN Mr. *Whitlocke's Memorials*, the Transactions from the 15th of *February*, 1641, to the Battle of *Edgehill*, in *October* 1642, are comprised in seven Pages only: And tho' that Work carries the Face of a Diary, and is, in the main, very exact in ascertaining the Dates of Facts, yet, in the first Part of it, are many *Chronological* Errors; there being some Transactions, of the Year 1643, enter'd in the Month of *May*, which did not happen till the *December* following.

IN Lord *Clarendon* we find Recitals of some principal Debates in Parliament, in which he had a very considerable Share, before the War broke out: But he has also made Abundance of Mistakes in point of *Chronology*; from whence it is probable that his Lordship, as well as Mr. *Whitlocke*, wrote chiefly from Memory.

IN *Husband's's Collections* a great Number of the most Interesting public Instruments are wholly omitted, and there are many Mistakes in those he has given us; which is the more extraordinary, as he was the Authoriz'd Printer to the House of Commons. And even several of King *Charles's* Speeches and Messages, printed in *Regstar's* Edition of that Monarch's Works, are not without Errors.

We have, therefore, trusted to none of these, where we could be supplied from the *Journals* of either House, or the Original and Authentic Editions of the Times. And where those Authorities are silent, we have always referred to the *Collections* from whence the respective Instruments are taken.

As to the long *Declarations* and *Remonstrances*, by way of Altercation between the King and the Parliament, we have endeavour'd an Abridgement of them wherever it could be done without Injury to the Matter; (and in these Cases the Reader will always find a Reference to the Original at large) though, in many Instances, we have
been

been obliged to give the whole; some subsequent Disputes frequently taking their Rise from particular Phrases and Expressions.

LORD Holles's Memoirs may more properly be call'd a Declamation against some particular Persons, than an historical Relation of Matters, yet they give great Light into many considerable Debates as far as 1648.—At this Period also *Mr. Rushworth* leaves us.

SIR Philip Warwick's Memoirs of the Reign of King *Charles I.* are chiefly calculated as a general Defence of the Measures pursued by that unhappy Monarch, and are carried on to the Restoration. General *Ludlow's Memoirs*, which end with the same Period, are written upon a quite contrary Principle; and he shews as little Regard for *Cromwell* as for the King.—But if the last Memorialist, thro' his inflexible Attachment to Republican Principles, has given the Protector no Quarter, this is amply made up by *Mr. Carrington* who wrote his Life, and dedicated it to his Son *Richard*; wherein he compares the former to *Julius Caesar* as a Warrior

Warrior and Orator, and to *Moses* as a Law-giver.

FROM all these, and many other Writers, tho' they are generally more engaged in relating Military than Civil Transactions; we have collected many Circumstances that contribute much to illustrate the Debates and Proceedings of Parliament in these distracted Times; but without any Observations or Remarks of our own.—The Perusal of the Work will suggest enough of this to every Reader, and is therefore unnecessary in the Authors.

ALL the Lists of this Long Parliament, we have met with, being very incorrect and imperfect, a new one has been attempted to be formed from the *Journals* of both Houses and the Pamphlets of the Times; with the several progressive Alterations from the first Meeting of the Parliament to their Dissolution, and some Historical Distinctions tending to point out what Side the respective Members adhered to in these Disputes: So that, as the Work itself is a *History of the Proceedings of Parliament*, this Part of it may

may, in some Measure, be call'd a *History of the Men that compos'd it*. And, upon this Occasion, we cannot help repeating our Obligations to the Fidelity and great Accuracy of the Editor of the printed *Journals* of the House of Commons; A Work which does Honour to the present Age, and will be a lasting Benefit to Posterity.

THE Editors of this Work are much concern'd that it has swell'd so far beyond their first Calculation: But that it has done so, is owing to the great Number of Original Letters and scarce Speeches in Parliament, which are the truest and most authentic History of the Times; and would not, therefore, bear any Abridgement. To these may be added the many Trials upon Impeachments, here inserted in their proper Order of Time, but omitted in the *State Trials*: For in those Collections there are no Proceedings of this Kind from the Year 1640 to the Restoration, except against the Earl of *Strasford*, Archbishop *Laud*, and the King; for tho' there is some Account therein of the Prosecution of the Judges in the Business of *Ship-Money*, yet it is carried no farther than the Speeches at opening the Impeachments.

As

As we proceed in the War, Parliamentary Matters lessen upon our Hands; and especially after the King was taken off, and the House of Lords voted useless by the Commons.

AFTER so free a Judgment pass'd on our Predecessors, we are not so vain as to imagine our own Collections are without Faults: But as we are conscious to ourselves there are no wilful ones, we therefore hope the Public will so far indulge this Attempt, as to allow us that Excuse of the Poet,

In magnis voluisse sat est.



[x]

As we proceed in the War, Parliament
Matters less upon our Hands; and expect-
ally after the King was taken off, and the
House of Lords voted which by the Con-
mons.

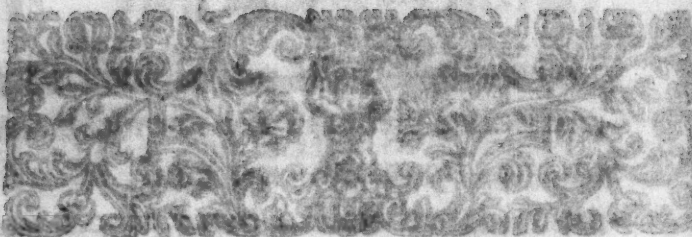
The PRINTER'S Advertisement.

THE LIST of the ensuing PARLIAMENT was
not put to Press till some Months after the
Thirteenth Volume was printed off, in order to give
more Time for Corrections from those Gentlemen to
whom Copies were sent for that Purpose. This has
occasion'd a Repetition of some Pages in the Begin-
ning of the Ninth Volume, (the Signatures whereof
run thus, a, b, c, d, A, B, &c.) and also some few
other Inaccuracies, which the candid and judicious
Reader will excuse.

E R R A T A.

Volume XII. Page 227, Line 3, read thus: After the Words
' Royal Party in the Kingdom, of any Thing yet done,' instead of
by them read by either House.

Volume XIII. p. 7. after *George Fane, Esq;* add *Kellington*, and
strike out the Note at the Bottom. P. 28, strike out the 14th, 15th,
16th, 17th, 18th, and 19th Lines; and at p. 29, after *Sir Tho-*
mas Stamford, Knt. add *Cockermouth*; *Sir Thomas Hele, Knt.*
Plympton; *Humphry Coningsby, Esq;* *Herefordshire*; *James Scu-*
damore, Esq; *Hereford*; and *William Stanbop, Esq;* *Nottingham.*

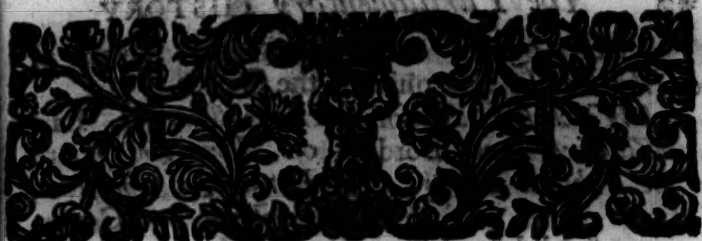


1901-1902

[illegible]

The Press with an Appendix to their Names, were
such as took Part with the King against the Par-
liament, after the War broke out, according to the
List printed at Oxford by his Majesty's Order.

For IX.
of Buckingham, Earl
Marquis, and Earl
Duke
George William Duke
of Cambridge, Viscount
William, and Baron of



1640. 16. Car. 1.

T H E
Parliamentary History
O F
E N G L A N D.



IN the third of *November*, 1640, the An. 16. Car. 1.
Parliament met at *Westminster*,
pursuant to the King's Writs for
that Purpose. Before we begin
our Account of their Proceedings,
it may not be improper to give a
List of the Members of both Houses :

*A STATE of the PEERAGE at this Time, distin-
guishing how much the Number of PEERS was in-
creased since the Accession of the STUART Fa-
mily to the Crown.*

*Extracted from the LORDS JOURNALS, Sir WIL-
LIAM DUGDALE's Baronage, and other Au-
thorities.*

*The Peers with an o prefixed to their Names, were
such as took Part with the King against the Par-
liament, after the War broke out, according to the
List printed at Oxford by his Majesty's Order.*

DUKE. of Coventry, Viscount
George Villiers, Duke, Villiers, and Baron of
Marquis, and Earl Whaddon. *Infra Æta-*
of Buckingham, Earl tem.
VOL. IX. MAR-

#2 The Parliamentary History

An. 16. Car. I.
1640.

MARQUESS.
 o *John Paul, Marquis of Worcester, Earl of Wiltshire, and Lord St. John of Basing.*
 the Isles, Knight of the Garter.
 o *Henry Somerset, Earl of Worcester, Lord Herbert of Chesham, Rutland, and Gower.*

EARLS.
 o *Thomas Howard, Earl of Arundel and Surry, Earl Marshal of England, Lord Howard, Mowbray, Segrave, Brose of Gower, Fitz-Allan, Warren, Clun, Oswaldstree, Maltravers, and Graystock, Knight of the Garter.*
 o *George Manners, Earl of Rutland, Lord Roos of Hamelake, Belvoir and Trusbut.*
 o *Francis Clifford, Earl of Cumberland, Lord Clifford, Westmoreland, and Vesty.*
 o *Edward Ratcliffe, Earl of Sussex, Viscount Fitz-Walter, Lord Egremont and Burnel.*
 o *Henry Hastings, Earl of Huntingdon, Lord Hastings, Hungerford, Botreaux, Meoles, and Molyns.*
 o *Henry Baurchier, Earl of Bath, and Lord Fitz-Warin.*
 o *Thomas Wriothesley, Earl of Southampton, and Baron Wriothesley of Tichfield.*
 o *Francis Russel, Earl of Bedford, and Lord Russel of Thornbaugh.*
 o *Philip Herbert, Earl of Pembroke and Montgomery, Baron Herbert of Cardiffe and Shurland, Lord Parre and Ross of Kendal, Fitz-Hugh, Marmion, and St. Quintin, Lord Chamberlain of his Ma-*

Awbery Vere, Earl of Oxford, Lord Bulbeck, Sandford, and Badlesmeer.
Algernon Percy, Earl of Northumberland, Lord Percy, Lucy, Poynings, Fitz-Payn, Brian, and Latimer, Knight of the Garter, Lord High Admiral.
John Talbot, Earl of Shrewsbury, Lord Talbot, Strange of Blake-meer, Gifford of Brimsfield, Furnival, Verdon, and Lovetot.
Anthony De Grey, Earl of Kent, Lord Grey of Ruthen, Hastings, Vallence, and Weyford.
 o *William Stanley, Earl of Derby, Lord Stanley, Strange of Knocking, Lord of Man. and*

OF ENGLAND. *3

An. 16. Cap. 1.
1640.

Majesty's Household, and Knight of the Garter.

Robert Carr, Earl of Somerset, Viscount Rochester, and Baron of Branspeth, Knight of the Garter.

o *William Seymour*, Earl of Hertford, Viscount Beauchamp, and Baron Seymour.

John Egerton, Earl of Bridgewater, Viscount Brackley, and Baron Ellesmere, Lord President of Wales.

Robert Devereux, Earl of Essex and Es, Viscount Hereford and Bouchier, Lord Ferrers of Chartley, Bouchier, and Levain.

o *Robert Sidney*, Earl of Leicester, Visc. Lisle, Baron Sidney of Penshurst.

Theophilus Fynes, Earl of Lincoln and Lord Clinton.

o *Spencer Compton*, Earl of Northampton, Baron Compton of Compton.

Charles Howard, Earl of Nottingham, and Lord Howard of Effingham.

Robert Rich, Earl of Warwick, and Lord Rich of Leeze.

EARLS made since the first of King JAMES.

o *William Cavendish*, Earl of Devonshire, and Baron Cavendish of Hardwick. *Infra Etatem.*

Theophilus Howard, Earl of Suffolk, Lord Howard of Walden, and Knight of the Garter.

James Hamilton, Earl of Cambridge, Marquis of Hamilton, Earl of Arran, Baron of Even and Aberbrothwick, Master of the Horse to his Majesty, Knight of the Garter.

o *Edward Sackville*, Earl of Dorset and Baron Buckhurst, Knight of the Garter, and Lord Chamberlain to the Queen's Majesty.

o *James Stuart*, Earl of March, and Baron of Leighton-Bromeswold; also Duke of Lenox, Lord Aubigny, Darnley, Methuen, and St. Andrews, Knt. of the Garter.

William Cecil, Earl of Salisbury, Viscount Cranborne, and Baron Cecil of Essinden, Knight of the Garter.

o *James Stuart*, Earl of March, and Baron of Leighton-Bromeswold; also Duke of Lenox, Lord Aubigny, Darnley, Methuen, and St. Andrews, Knt. of the Garter.

William Cecil, Earl of Exeter, Baron Burghley, Knight of the Garter.

o *James*

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AN. 16. Car. I.
1640.

James Hay, Earl of Carlisle, Visc. Doncaster, Lord Hay of Sauley.

William Fielding, Earl of Denbigh, and Baron Fielding of Newnham-Padocks.

John Digby, Earl of Bristol, and Baron Digby of Sherborne.

Lionel Cranfield, Earl of Middlesex, and Baron Cranfield of Cranfield.

Charles Villiers, Earl of Anglesey, and Baron of Daventry. *Infra Etatem.*

Henry Rich, Earl of Holland, Baron of Kensington, and Knight of the Garter.

John Holles, Earl of Clare, Lord Haughton of Haughton.

Oliver St. John, Earl of Bolingbroke, and Lord St. John of Bletshoe.

Mildmay Fane, Earl of Westmoreland, Lord le Despencer and Burgbergh.

William Knowles, Earl of Banbury, Viscount Wallingford, and Lord Knowles of Greys.

EARLS made since the first of King CHARLES.

Henry Montague, Earl of Manchester, Viscount Mandevile, and

Baron of Kimbolton, Lord Privy Seal.

Thomas Howard, Earl of Berkshire, Viscount Andover, and Lord Howard of Charleton, Knight of the Garter.

Thomas Wentworth, Earl of Cleveland, and Lord Wentworth of Nettlested.

Edmond Sheffield, Earl of Mulgrave, and Lord Sheffield of Butterwick, Knight of the Garter.

Henry Danvers, Earl of Danby, Lord Danvers of Dantsey, Knight of the Garter.

Henry Cary Earl of Monmouth, and Lord Cary of Lepington.

James Ley Earl of Marlborough, and Lord Ley of Ley.

John Savage, Earl Rivers, Viscount Colchester and Rock-Savage, and Lord Darcy of Chich.

Robert Bertie Earl of Lindsey, and Lord Willoughby of Eresby, Lord Great Chamberlain of England, and Knight of the Garter.

William Cavendish, Earl of Newcastle, Viscount Mansfield, Lord Bolsover and Ogle.

Henry

OF ENGLAND. *5

o Henry Carey, Earl of Dover, Viscount Rochford, and Lord Hunsdon.

o John Mordaunt, Earl of Peterborough, and Lord Mordaunt of Turvey.

Henry Grey Earl of Stanford, Lord Grey of Groby, Bonville, and Harrington.

Thomas Finch, Earl of Winchelsea and Viscount Maidstone.

o Robert Pierepoint, Earl of Kingston upon Hull, Viscount Newark upon Trent, and Lord Pierepoint of Holme-Pierepoint.

o Robert Dormer, Earl of Caernarvon, Viscount Ascot, and Lord Dormer of Wing.

o Mountjoy Blunt, Earl of Newport, Lord Mountjoy of Thurveston, also Baron Mountjoy in Ireland.

o Philip Stanhope, Earl of Chesterfield and Lord Stanhope of Shelford.

John Tufton, Earl of the Isle of Thanet, and Lord Tufton of Tuf-ton.

o Ulrick de Burgh, Earl of St. Albans, Viscount Tunbridge, and Baron of Somerhil; also Earl of Clanrick-

ard, Viscount Galway, An. 16. Car. I. 1640.

o Jerome Weston, Earl of Portland, Lord Weston of Neyland.

Thomas Wentworth, Earl of Strafford, Viscount Wentworth, Baron Wentworth of Wentworth - Woodhouse, Newmarch, Oversley, and Raby, Lord-Lieutenant of the Realm of Ireland.

VISCOUNTS.

o Francis Brown, Viscount Montague, of Cowdrey.

VISCOUNTS made by King JAMES.

John Villiers, Viscount Purbeck, and Baron of Stoke-Pogeis.

William Fiennes, Viscount and Baron Say and Sele.

VISCOUNTS made by King CHARLES.

o Edward Conway, Viscount and Baron Conway, of Ragley, also Viscount Killultagh in Ireland.

o Edward Noel, Viscount Cambden, Baron Noel of Ridlington, and Baron Hickes of Elmington.

BISHOPS

An. 16. Car. I.
1640.

BISHOPS.

William Laud, Archbishop of Canterbury.

Richard Neile, Archbishop of York.

William Juxon, Bishop of London, and Lord High Treasurer of England.

Thomas Morton, Bishop of Durham.

Walter Curle, Bishop of Winchester.

John Thornburgh, Bishop of Worcester.

John Bridgeman, Bishop of Chester.

John Williams, Bishop of Lincoln.

John Davenant, Bishop of Salisbury.

Robert Wright, Bishop of Coventry and Litchfield.

Godfrey Goodman, Bishop of Gloucester.

Joseph Hall, Bishop of Exeter.

Richard Montague, Bishop of Norwich.

Barnabas Potter, Bishop of Carlisle.

John Owen, Bishop of St. Asaph.

William Pierce, Bishop of Bath and Wells.

John Bancroft, Bishop of Oxford.

George Coke, Bishop of Hereford.

Matthew Wren, Bishop of Ely, Dean of his Majesty's Chapel Royal.

Roger Manwaring, Bishop of St. David's.

Robert Skinner, Bishop of Bristol.

William Roberts, Bishop of Bangor.

John Warner, Bishop of Rochester.

Brian Duppa, Bishop of Chichester.

John Towers, Bishop of Peterborough.

Morgan Owen, Bishop of Llandaff.

BARONS.

Henry Howard, Lord Mowbray and Maltravers, eldest Son to

Tho. Earl of Arundel.

Henry Clifford, Lord Clifford, only Son of

Francis Earl of Cumberland.

Henry Nevil, Lord Abergavenny.

James Touchet, Lord Audley, of Heighleigh;

Earl of Castlehaven, in Ireland.

James Stanley, Lord Strange, eldest Son of

William Earl of Derby.

Charles West, Lord Delawar. *Infra Etatem*.

George Berkeley, Lord Berkeley, of Berkeley-Castle.

o Henry

OF ENGLAND. *7

An. 16, Car. 1.
1640.

- | | |
|---|---|
| <ul style="list-style-type: none"> o Henry Parker, Lord Morley and Monteagle. Richard Lennard, Lord Dacres. Edward Sutton, Lord Dudley, of Dudley-Castle. o Coniers D'Arcy, Lord D'Arcy and Coniers. o William Stourton, Lord Stourton, of Stourton. Edward Vaux, Ld Vaux, of Harrowden. Thomas Windsor, Lord Windsor, of Bradenham. o Thomas Cromwel, Lord Cromwel, of Oakham. o William Eure, Lord Eure, of Witton. Philip Wharton, Lord Wharton, of Wharton. William Willoughby, Ld. Willoughby, of Parham. o William Paget, Lord Paget, of Beaudefert. Dudley North, Lord North, of Cartlege. o George Bruges, Lord Chandos, of Sudley. | <ul style="list-style-type: none"> o Charles Stanhope, Lord Stanhope, of Harrington. o Thomas Arundel, Lord Arundel, of Wardour. Christopher Roper, Lord Tenham, of Tenham. Infra Ætatem. Edward Montague, Lord Montague, of Kimbolton, eldest Son of Henry Earl of Manchester. Basil Fielding, Lord Fielding, of Newnham-Paddocks, eldest Son of William Earl of Denbigh. Robert Grevil, Lord Brook, of Beauchamp-Court. o Edward Montague, Lord Montague, of Boughton. William Grey, Lord Grey, of Wark. o Francis Leake, Lord Deincourt, of Sutton. John Roberts, Lord Roberts, of Truro. |
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BARONS made by King JAMES.

- William Petre, Lord Petre, of Writtle.
- Dutton Gerrard, Lord Gerrard, of Gerrard's Bromley.
- William Spencer, Lord Spencer, of Worm-leighton.

BARONS made by King CHARLES.

- o William Craven, Lord Craven, of Hamstead-Marshal.
- o Thomas Bellasis, Lord Fauconberg, of Yarm.
- o John Lovelace, Lord Lovelace, of Hurley.
- o John Pawlet, Lord Pawlet, of Hinton St. George.

*8 The Parliamentary HISTORY

An. 16. Car. I.
1640.

- | | |
|---|---|
| <p><i>William Harvey</i>, Lord Harvey, of <i>Kidbrooke</i>, and Baron <i>Harvey</i> of <i>Ross</i>, in <i>Ireland</i>.</p> <p>o <i>Thomas Brudenel</i>, Lord <i>Brudenel</i>, of <i>Stanton</i>.</p> <p><i>William Maynard</i>, Lord <i>Maynard</i>, of <i>Estaynes</i>, and Lord <i>Maynard</i> of <i>Wicklow</i>, in <i>Ireland</i>.</p> <p>o <i>Thomas Coventry</i>, Lord <i>Coventry</i>, of <i>Alesborough</i>.</p> <p><i>Edward Howard</i>, Lord <i>Howard</i>, of <i>Eskricke</i>.</p> <p>o <i>George Goring</i>, Lord <i>Goring</i>, of <i>Hurst-Pierpoint</i>.</p> <p>o <i>John Mohun</i>, Lord <i>Mohun</i>, of <i>Okehamp-ton</i>.</p> <p>o <i>Thomas Saville</i>, Lord <i>Saville</i> of <i>Pontefract</i>, and Viscount <i>Saville</i>, in <i>Ireland</i>.</p> <p><i>John Boteler</i>, Lord <i>Boteler</i>, of <i>Bramfield</i>.</p> | <p>o <i>Francis Leigh</i>, Lord <i>Dunsmore</i>.</p> <p>o <i>William Herbert</i>, Lord <i>Powys</i>, of <i>Powys</i>.</p> <p>o <i>Edward Herbert</i>, Lord <i>Herbert</i>, of <i>Cherbury</i>, and Lord <i>Herbert</i> of <i>Castle-Island</i>, in <i>Ireland</i>.</p> <p>o <i>Francis Cottington</i>, Ld <i>Cottington</i>, of <i>Hanworth</i>, Master of the Court of Wards, and Chancellor of the <i>Exchequer</i>.</p> <p><i>John Finch</i>, Lord <i>Finch</i>, Baron of <i>Fordwich</i>, Lord-Keeper of the Great Seal of <i>England</i>.</p> <p>o <i>Montague Bertie</i>, Lord <i>Willoughby</i> of <i>Eresby</i>, eldest Son of <i>Robert Earl of Lindsey</i>.</p> <p>o <i>Ferdinando Hastings</i>, Lord <i>Hastings</i>, eldest Son of <i>Henry Earl of Huntingdon</i>.</p> |
|---|---|

PEERS created, or advanced in Peerage, after the Opening of the Parliament.

Extracted from the LORDS JOURNALS.

- | | |
|--|---|
| <p>o <i>William Howard</i>, Baron of <i>Stafford</i>, created Viscount <i>Stafford</i>, November 11, 1640.</p> <p>o <i>Charles Howard</i>, Lord <i>Howard</i> of <i>Charlton</i>, eldest Son of <i>Thomas Earl of Berkshire</i>, called up by Writ, November 18, 1640.</p> | <p>o <i>Thomas Wentworth</i>, Lord <i>Wentworth</i> of <i>Nettlested</i>, eldest Son of <i>Thomas Earl of Cleveland</i>, called up by Writ, November 25, 1640.</p> <p><i>John Cary</i>, Lord <i>Hunsdon</i>, eldest Son of <i>Henry Earl of Dover</i>, called</p> |
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OF ENGLAND. *9

An. 16. Car. I.
1640.

- led up by Writ, November 27, 1640.
- o *Henry Pierepoint*, Lord *Pierepoint* of *Holme-Pierepoint*, eldest Son of *Robert* Earl of *Kingston*, call'd up by Writ, January 12, 1640.
 - o *Robert Rich*, Lord *Rich* of *Lees*, eldest Son of *Robert* Earl of *Warwick*, call'd up by Writ, January 27, 1640.
 - Charles Longueville*, Lord *Grey* of *Ruthen*, called up by Writ, Feb. 6, 1640.
 - o *Sir Francis Seymour*, Knight, Brother to the Marquis of *Hertford*, created Lord *Seymour* of *Trowbridge*, February 19, 1640.
 - o *Edward Littleton*, Lord Keeper of the Great Seal, created Baron of *Mounslow*, Feb. 19, 1640.
 - Oliver St. John*, Lord *St. John* of *Bletshoe*, eldest Son of *Oliver* Earl of *Bolingbroke*, called up by Writ, May 14, 1641.
 - o *William Seymour*, Earl of *Hertford*, &c. created Marquis of *Hertford*, June 3, 1641.
 - o *George Digby*, Lord *Digby* of *Sherborne*, eldest Son of *John* Earl of *Bristol*, called up by Writ, June 9, 1641.
 - Thomas Bruce*, Earl of *Elgin*, in *Scotland*, created Baron *Bruce* of *Whorlton*, August 2, 1641.
 - o *Arthur Capel*, created Baron *Capel* of *Hadham*, August 6, 1641.
 - o *James Stuart*, Earl of *March*, created Duke of *Richmond*, Aug. 8. 1641.

The following were either created PEERS, or advanced in Peerage, after the Time of the King's withdrawing himself from the Parliament in January 1641; and were not admitted to take their Seats as such till after the Restoration.^c

18. CAROLI, 1642.

- o *Edward Somerset*, Earl of *Worcester*, created Marquis of *Worcester*, Nov. 2.

b 3

o *Tho-*

^c This Account is chiefly taken from a Catalogue of the Peers created by the King, since the 4th of January 1641, till his Majesty's Remove from Oxford, April 27, 1646. Printed for Thomas Walkley, with the License of the Earl of Arundel, Earl-Marshal of England,

* 10 *The Parliamentary History*

An. 16. Car. I.
1640.

- o *Thomas Lord Fauconbridge*, created Viscount *Fauconbridge* of *Henknowl*, Jan. 31.
- o *Sir Richard Newport* of *High-Ercal*, Co. *Salop*, created Baron *Newport*, Oct. 14.
- o *John Craven*, Esq; created Baron *Craven* of *Ryton*, Co. *Salop*, March 21.

19. CAROLI, 1643.

- o *James*, second Son to the King's Majesty, created Duke of *York*, Jan. 27.
- o *Prince Rupert*, created Earl of *Holderness* and Duke of *Cumberland*, Jan. 24.
- o *William* Earl of *Newcastle*, created Marquis of *Newcastle*, Oct. 27.
- o *Henry Lord Spencer*, created Earl of *Sunderland*, June 8.
- o *Richard* Earl of *Carbery*, in *Ireland*, created Baron *Vaughan* of *Emlin*, Co. *Caermarthen*, Oct. 25.
- o *Henry Piercy*, created Baron *Piercy* of *Alnwick*, Co. *Northumberland*, June 28.
- o *Henry Wilmot*, created Baron *Wilmot* of *Ad-dербury*, Co. *Oxon*, June 29.
- o *Sir Thomas Leigh*, created Baron *Leigh*, of *Stoneley*, Co. *Warwick* July 1.
- o *Sir Christopher Hatton*, created Baron *Hatton* of *Kirby*, Co. *Northampton*, July 29.
- o *Sir Ralph Hopton*, created Baron *Hopton* of *Stratton*, Co. *Cornwall*, Sept. 4.
- o *Henry Jermin*, created Baron *Jermin* of *St. Edmond's-Bury*, Co. *Suffolk*, Sept. 8.
- o *Henry Hastings*, created Baron *Loughborough* of *Loughborough*, Co. *Leicester*, Oct. 22.
- o *Sir John Byron*, created Baron *Byron* of *Rochdale*, Co. *Lancaster*, Oct. 24.
- o *Sir Charles Smith*, created Baron *Carrington* of *Wotton*, Co. *Warwick*, Oct. 31. and Viscount *Carrington*, of *Barrefore* in *Ireland*, Nov. 24.
- o *Sir William Widdrington*, created Baron *Widdrington* of *Blakeney*, Co. *Northumberland*, Nov. 10.
- o *Humble Ward*, Esq; Son of *Sir William Ward*, Knt. created Baron *Ward* of *Birmingham*, Co. *Warwick*, March 23.

OF ENGLAND. *II

20. CAROLI, 1644.

An. 16. Car. I.
1640.

- o *Henry Earl of Kingston*, created Marquis of *Dorchester*, March 25.
- o *Thomas Viscount Saville*, in *Ireland*, created Earl of *Suffex*, May 25.
- o *Patrick Ruthen*, Earl of *Forth* in *Scotland*, created Earl of *Brentford*, Co. *Middlesex*, May 27.
- o *Francis Lord Dunsmore*, created Earl of *Chichester*, June 3.
- o *Thomas Earl of Arundel* and *Surrey*, created Earl of *Norfolk*, June 6.
- o *Richard Earl of Cork* in *Ireland*, created Baron *Clifford* of *Londesburgh*, Co. *York*, Nov. 4.
- o *George Lord Goring*, created Earl of *Norwich*, Nov. 28.
- o *Sir John Colepeper*, created Baron *Colepeper* of *Thoresway*, Co. *Lincoln*, Oct. 21.
- o *Sir Jacob Astley*, created Baron *Astley* of *Reading*, Co. *Berks*, Nov. 4.
- o *Sir John Brook*, created Baron *Cobham*, Co. *Lincoln*, Jan. 3.
- o *Sir John Lucas*, created Baron *Lucas* of *Shenfield*, Co. *Essex*, Jan. 3.
- o *John Bellasis*, created Baron *Bellasis* of *Worlaby*, Co. *Lincoln*, January 27.
- o *Sir Lewis Watson*, created Baron of *Rockingham*, Co. *Northampton*, Jan. 29.

21. CAROLI, 1645.

- o *Bernard Lord Aubigny*, created Baron *Stuart* of *Newbery*, Co. *Berks*, and Earl of *Litchfield*, Dec. 10.
- o *Francis Lord Deincourt*, created Earl of *Scarsdale*, Co. *Derby*, Nov. 11.
- Robert Earl of Leinster* and Viscount *Cholmondeley* of *Kellis* in *Ireland*, created Baron *Cholmondeley* of *Wich-Malbank*, Co. *Chester*, Sept. 1.
- o *Charles Gerrard*, created Baron *Gerrard* of *Brandon*, Co. *Suffolk*, Nov. 8.
- o *Robert Sutton*, created Baron *Lexington* of *Aram*, Co. *Nottingham*, Nov. 21.

In April 1646, the King put himself into the Hands of the Scots Army: After which Time we find no more Peers created in this Reign.

The

* 12 *The Parliamentary* HISTORY

An. 16. Car. I.
1640.

The *List* of the House of Commons, as given in all the *Collections* we have yet met with, appears to have been taken about two Years after the Opening of the Session: The Names of many Members, originally returned, and who highly distinguished themselves in the subsequent Debates, being wholly omitted; as Sir *Edward Dering*, for *Kent*; Sir *Francis Seymour*, for *Marlborough*; Lord *Andover* for the City of *Oxford*; Lord *Digby*, for *Dorsetshire*, and many others. For this Reason we have endeavoured to extract from the *Journals* all the several Alterations in that House, whether by Advancement to Peerage, undue Elections, Death, or Expulsions, from the first Meeting of the Parliament, Nov. 3, 1640, to the forcible Dissolution thereof by *Cromwell*, in 1653.

During the two first Years of this Parliament, Writs were duly issued for supplying of Vacancies: But from that Time we meet with very few Instances of any till after the Battle of *Naseby*, in June 1645. Within Twelve Months next following that Event near 150 Writs were issued, and these chiefly to supply the Places of such Members as had been disabled in 1642 and 1643, for taking Part with the King. Where we find the Day on which any Member was disabled from sitting in Parliament, and the Cause thereof, particularized in the *Journals*, they are so expressed; and the Dates of their respective Decease rests upon the Authority of the printed *Lists* and *Diaries* of the Times: But where the Particular Day of such Decease, or Disablement, is not mention'd, such Member is found to be deceas'd or disabled only by the Writ for electing his Successor, which, in most Cases, did not issue till some Years after such Vacancy.

We have also added some *Distinctions* to point out what Party the several Members adhered to after the breaking out of the War. By these the Reader will see, at one View, who were the Men that were for redressing of Grievances and restraining the Prerogative of the Crown within its just Bounds; and who those were that, under that

Pre-

Pretence, subverted the Constitution, to advance An. 16. Car. I.
their own ambitious Purposes. 1640.

These *Distinctions* are grounded upon the following *Authorities*:

c. *Those who subscribed the Solemn League and Covenant. From the Commons Journals.*

o. *Such as left the Parliament, and join'd the King at Oxford, where they form'd the Convention or Anti-Parliament. From their Proceedings, printed there by Leonard Litchfield, with the King's Authority.*

s. *The Members imprisoned or seclused, as well as those that were seiz'd on by the Army, Dec. 6, 1648, after having voted, the Day before, ' That ' the King's Answers to the Propositions of both ' Houses were a Ground for Peace.' From a Pamphlet, intituled, A Vindication of the imprisoned and seclused Members, printed by Michael Spark, and licens'd by John Langley, Jan. 20, 1648.*

* *Such of the Commissioners appointed for the Trial of the King as did not act at all. From the Ordinance of Parliament.*

|| *Commissioners who occasionally attended, but did not sign the Warrant for beheading him. From Phelps's Journal of the High Court of Justice.*

† *Such as sign'd that Warrant. From the Original.*

On the 11th of October, 1649, the Commons having resolved, *That every Member, before he took his Seat, should subscribe an Engagement, To be true and faithful to the Government, as established without King or House of Peers, and appointed a Committee to see that Order duly observed, we intended to have distinguished the Names of such as subscribed the same, but do not find them enter'd in the Journals; although, when a like Order was made for taking the Protestation, in May 1641, and the Solemn League and Covenant, in September 1643, the Names of the*

^a The whole Number was 144, besides, as the Publisher says, sundry others driven away. Mr. *Rusworth* has given the Names only of those 41 that were seiz'd, on the 6th of December, 1648, by the Army.

*14 *The Parliamentary History*

An. 16. Car. 1. 1640. *the Members that took them, respectively, are enter'd de Die in Diem.*

The Members in the Roman Character are those that were first returned: In the Italic, such as came in their Places: But as there are few Instances in which we could exactly ascertain the Time when these last were elected, we have been obliged to content ourselves with extracting, from the Commons Journals, the Days when the respective Writs were order'd to be issued for such Elections. These, compared with the Dates of the Decease, Expulsion, or Disablement, will shew, in most Instances, how long Time each County, City or Borough, were deprived of their Representatives; and will also help to account for the Thinness of the House between the Years 1642 and 45. And as we find several Instances of Writs being twice, and even thrice, issued for supplying the Place of the same Member, we suppose this to have been owing to the Want of due Obedience being given to the first Writ by the proper Officer, occasioned by the Confusion of the Times.

Where Writs were issued to supply the Places of Members disabled, and others were chosen in their Places, after the Breaking out of the War; though the Matter amounted, in fact, to an Expulsion, yet, as the Commons Journals, in these Instances, make Use of the Term disabled, we have therefore conformed ourselves to the Style and Language of those Authorities.

To prevent Repetition, the Letters w. i. stand for Writs issued.

BEDFORDSHIRE. **T** *Thomas Lord Wentworth, eldest Son of Thomas Earl of Cleveland, called up to the House of Peers, by Writ, Nov. 25, 1640, Vita Patris.*

c. s. Sir Oliver Luke, Kt.

c. Sir Roger Burgoyne, Bart.

Bedford T.

c. Sir Beauchamp St. John, Knt.

c. s. Sir Samuel Luke, Knt. deceas'd.

Richard Edwards, Esq; elected in November 1650.

BERK-

BERKSHIRE.

c. † Henry Marten, Esq; On the 16th of *August*, 1643, he was disabled from sitting in Parliament, and committed Prisoner to the *Tower* by the Commons, for reflecting on the King and Royal Family; but, on the second of *September* following, discharged without paying any Fees; and, upon a Rehearing, *Jan. 6*, 1645, the Censure against him was annulled, and ordered to be razed out of the *Journal*, and he was re-admitted into the House.

c. o. John Fettiplace, Esq; disabled *Jan. 22*, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. June 5*, 1646.

Sir Francis Pile, Bart. deceas'd. *w. i. February 19*, 1648. In his Place

Philip Earl of Pembroke and Montgomery, who took his Seat in the House of Commons *April 16*, 1649, deceas'd in *February 1649*.

Henry Neville, Esq; elected in *February 1649*.

New-Windsor B. *Sir Thomas Roe, Knt.* and

Thomas Waller, Esq; not duly elected, in their Places

c. || *Cornelius Holland, Esq;*

William Taylor, Esq; expelled *May 27*, 1641, declared incapable of ever being a Member, and committed to the *Tower*, for saying *That the House of Commons had committed Murder with the Sword of Justice, in their Prosecution of the Earl of Strafford.*

c. s. *Richard Winwood, Esq;*

Read-

By the Act passed in *March*, 1648, For abolishing the House of Peers, it was declared, 'That such Lords as have demeaned themselves with Honour, Courage, and Fidelity to the Common Wealth, and their Posterity who shall continue so, shall not be excluded from the public Councils of the Nation; but shall be admitted thereunto, and have their free Vote in Parliament, if they shall be thereunto elected, as other Persons of Interest, elected and qualified thereunto, ought to have.' In consequence hereof the Earl of *Pembroke* took his Seat in the House of Commons, on the 16th of *April*, 1649, as Knight of the Shire for *Berks*; as did also, in the same Year, *William Earl of Salisbury* as a Burgess for *Lynne*, and *Edward Lord Howard of Efesrike*, as a Citizen for *Carlisle*. These were the only Peers that were elected Members of the House of Commons.

- Reading B.** c. Sir Francis Knowles, sen. Knt. *w. i. May 8, 1648.*
 Sir Francis Knowles, jun. Knt. deceas'd. *w. i. Sep. 26, 1645.*
Tansfield Vachel, Esq; not duly elected. *w. i. Nov. 17, 1645,* and rechosen.
 † *Daniel Blagrove, Esq;*
- Abington B.** c. o. Sir George Stonehouse, Bart. disabled *Jan. 22, 1643,* for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Sep. 26,* and *Jan. 6, 1645.*
John Ball, Esq; deceas'd. *w. i. May 8, 1648.*
- Wallingford B.** c. Edmund Dunch, Esq;
 Anthony Barker, Esq; Their Election declared void, but the former rechosen.
 o. *Thomas Howard, Esq;* disabled *January 22, 1643,* for the same Offence as the last. *w. i. Sep. 15, 1646.*
 s. *Robert Packer, Esq;*
- BUCKINGHAM-SHIRE.** John Hampden, Esq; kill'd at *Chalgrave-Field,* in an Engagement with Prince Rupert, in *June, 1643. w. i. Oct. 30, 1645.*
 Arthur Goodwin, Esq; died in *May 1645. w. i. Oct. 30, 1645.*
Edmund West, Esq;
 † *George Fleetwood, Esq;*
- Buckingham T.** c. * Sir Peter Temple, Knt. and Bart.
 c. o. Sir Alex^r. Denton, Knt. disabled *Jan. 22, 1643,* for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. April 22, 1646.*
John Dormer, Esq;
- Wicombe B.** c. s. Thomas Lane, Esq;
 Sir Edmund Verney, Knight-Marshall, killed at the Battle of *Edge-hill,* in *October 1642,* where he bore the King's Standard. *w. i. Sep. 25, 1645.*
 c. *Major-General Richard Brown,* disabled, *Dec. 4, 1649.*
- Aylesbury B.** c. Sir Ralph Verney, Knt. disabled *September 22, 1645. w. i. eod. Dic.*

- o* Sir John Packington, Bart. disabled *Aug.* 20, 1642, for executing the Commission of Array. *w. i. eod. Die*, and *Sep.* 22, 1645.
- † *Thomas Scot, Esq;*
 † *Simon Mayne, Esq;*
- Amersham B.** *c.* Sir William Drake, Knt.
 William Cheyne, Esq; deceas'd.
c. s. Francis Drake, Esq;
- Wendover B.** John Hampden, Esq; made his Election for the County. *w. i. Dec.* 8, 1640.
- o* Sir Robert Crooke, Knt. disabled *Nov.* 15, 1643, for neglecting the Service of the House. *w. i. Sep.* 25. 1645.
- c.* *Thomas Fountaine, Esq;* deceas'd. *w. i. September* 15, 1646.
 Edmund West, Esq; made his Election for the County. *w. i. July* 26, 1647.
- † *Richard Ingoldesby, Esq;* ^c
 † *Thomas Harrison, Esq;*
- Marlow B.** Gabriel Hippesley, Esq; and
 John Borlace, Esq; Their Elections declared void.
- c.* *Bulstrode Whitlocke, Esq;*
c. s. Peregrine Hobby, Esq;
- CAMBRIDGE-SHIRE.** *c. s.* Sir Dudley North, Knt. and Bart.
- o.* Thomas Chichely, Esq; disabled *September* 16, 1642. *w. i. eod. Die*, and *October* 15, 1645.
Francis Russel, Esq;
- Cambridge University.** *c. s.* Henry Lucas, Esq;
c. Thomas Eden, LL. D. was deceas'd in 1644. *w. i. Oct.* 15, 1645.
Nathaniel Bacon, Esq;
- Cambridge T.** *c.* † Oliver Cromwell, Esq;
c. * John Lowrye, Esq;
- CHESHIRE.** * Sir William Brereton, Bart.
- o.* Peter Venables, Esq; disabled *January* 22, 1643, for deserting the Service of the Parliament

^c This Gentleman, tho' he sign'd the *Warrant*, never attended the Trial. The Curious may compare Lord *Clarendon's* Account of the *Manner* of *Cromwell's* forcing him to sign it with his *Subscription* to the same, lately engraved from the *Original* at the Expence of the Society of Antiquaries.

liament, being in the King's Quarters, and adhering to that Party.

George Booth, Esq; elected in consequence of an Order of May 1, 1646.

Chester C.

o. Thomas Smith, Esq; and

o. Francis Gamul, Esq; both disabled January 22, 1643, for the same Offence as the last.

s. William Edwards, Esq;

John Radcliff, Esq;

CORNWALL.

Sir Alexander Carew, Knt. disabled Sep. 4, 1643, for a treacherous Intention to deliver up *Plymouth* to the King, with the Government whereof he had been intrusted by the Parliament. For this Offence he was beheaded in January following. *w. i. July 23, 1646.*

Sir Bevill Greenville, Knt. disabled Sep. 19, 1642, for publishing the King's Proclamation concerning the Militia, at *Launceston* Affizes. He was killed at *Lansdown* Fight, in July 1643. *w. i. July 23, 1646.*

Hugh Boscawen, Esq;

Nicholas Trefusis, Esq;

Dunchevit, alias William Coryton, Esq; not duly elected. *w. i. Aug. 18, 1641.*

Launceston B.

o. Ambrose Manaton, Esq; disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. August 12, 1646.*

s. Thomas Gawen, Esq;

s. John Harris, Esq;

Lestkard B.

c. o. John Harris, Esq; and

o. Joseph Jane, Esq; both disabled Jan. 22, 1643, for the same Offence as the last, and *w. i. Feb. 9, 1646.*

George Kekewich, Esq;

s. Thomas Povey, Esq;

Lestwithiel B.

o. John Trevanion, Esq; disabled. Kill'd at the Siege of *Bristol*. *w. i. Dec. 8, 1646.*

o. Richard

a. Richard Arundell, Esq; disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Dec. 8, 1646.*

Sir John Maynard, Knight of the Bath, disabled Sep. 7, 1647, and committed to the Tower, on account of a Charge brought against him by Sir Thomas Fairfax and the Army, the 16th of June foregoing: But this Order was revoked by another of the 8th of June, 1648.^a

s. Francis Holles, Esq;

Truro B.

c. John Rolle, Esq;

c. Francis Rowse, Esq;

Bodmyn B.

a. John Arundell, Esq; disabled January 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Dec. 8, 1646, and March 2, 1647.*

c. Anthony Nicoll, Esq; disabled Jan. 27, 1647, on account of a Charge brought against him by Sir Thomas Fairfax and the Army: But this Order was revoked by another of the 8th of June 1648.^c

s. Thomas Waller, Esq;

Helston B.

a. Francis Godolphin, Esq; disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters and adhering to that Party. *w. i. Dec. 21, 1646.*

Sidney Godolphin, Esq; kill'd, on the King's Part, at the Taking of Saltaſh in 1642. *w. i. Dec. 21, 1646.*

John Penrose, Esq;

s. John Thomas, Esq;

Saltaſh

^d On the 20th of July, 1647, this Gentleman, with Major-General Massey, John Glynn, Esq; Recorder of London, Col. Edward Harley, Anthony Nicoll, Esq; Denzil Holles, Esq; Sir Philip Stapylton, Sir William Lewis, Sir John Clotworthy, Sir William Waller, and Walter Long, Esq; who were under the same Accusation, having obtained Leave from the House to absent themselves for six Months, on Condition of returning within that Time, the six last of them accordingly embark'd for France in August following, and the others retir'd into the Country while their Cause was depending before the House.

^e The Proceedings of Jan. 27 and 29, 1647, against this Gentleman, and the rest under the same Charge, commonly called The Case of the Eleven Members, are erased; against which is written in the Margin, Obliterated by Order of March 2, 1659.

- Saltash B.** o. George Buller, Esq; deceas'd. *w. i. August 12, 1646.*
 o. Edward Hyde, Esq; disabled *Aug. 11, 1642. w. i. eod. Die, and Aug. 12, 1646.*
 c. s. Thomas Thynn, Esq;
 Henry Willes, Esq;
- Camelford B.** o. Piers Edgcumbe, Esq; and
 c. o. William Glanville, Esq; both disabled *Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. December 21, 1646, and April 14, 1647.*
 † William Say, Esq;
 † Gregory Clement, Esq; disabled *May 11, 1652, his Carriage being offensive and scandalous to the Parliament.*
- Grampound B.** Sir John Trevor, Knt.
 c. s. James Campbell, Esq;
- Eastlow B.** s. Francis Buller, Esq;
 Thomas Lower, Esq; disabled *January 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Dec. 21, 1646.*
 John Moyle, Esq;
- Westlow B.** o. Henry Killegrew, Esq; disabled *Jan. 22, 1643, for the same Offence as the last. w. i. Dec. 21, 1646.*
 o. Thomas Arundell, Esq; deceas'd. *w. i. November 18, 1648.*
 John Arundell, Esq;
 Thomas Arundell, Esq;
- Penryn B.** Sir John Bampffield, Bart.
 Sir Nicholas Slanning, Knt. disabled *Aug. 9, 1642, for publishing the King's Proclamation relating to the Militia, &c. at Launceston Affizes. Killed at the Siege of Bristol. w. i. May 11, 1647.*
- Tregony B.** o. Sir Richard Vivian, Knt. and
 o. John Polewheel, Esq; both disabled *January 22, 1643, for deserting the Service of the House, being in the King's Quarters,*

- ters, and adhering to that Party. *w. i. November 11, 1646.*
- s. Sir Thomas Trevor, Knt.*
- † John Carew, Esq;*
- Bosfiney B.** *c. Sir Christopher Yelverton, Knt.*
 Sir John Clotworthy, Bart. made his Election for *Malden.*
- o Sir Ralph Siddenham, Knt. disabled Sep. 29, 1642. w. i. Feb. 9, 1646.*
- s. Lionel Copley, Esq; disabled Sep. 9, 1647, and committed to the Tower, for complying with the Proceedings of the Members in the Absence of the Speaker; but this Order was revoked June 8, 1648.*
- St. Ives B.** Philip Lord Lisle, made his Election for *Yarmouth* in the *Isle of Wight.*
- o. Francis Godolphin, Esq; disabled.*
Edmund Waller, Esq; disabled July 14, 1643, for being concern'd in a Plot, particularly mentioned in Vol. XII. w. i. Feb. 9, 1646.
- John Fielder, Esq;*
Henry Rainsford, Esq;
- Fowey B.** *o. Jonathan Rashleigh, Esq; disabled January 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Dec. 21, 1646.*
- Sir Richard Buller, Knt. deceas'd. w. i. December 21, 1646.*
John Upton, Esq;
Nicholas Gold, Esq; deceas'd. w. i. June 14, 1648.
- St. Germans B.** *c. Benjamin Valentine, Esq;*
c. John Moyle, jun. Esq; deceas'd. w. i. November 11, 1646.
- Michel B.** *c. s. Edward Lord Clinton, eldest Son of Theophilus Earl of Lincoln.*
- o. John Arundell, Esq; made his Election for Bodmyn*
- o. Robert Holborn, Esq; disabled, August 11, 1642. w. i. eod. Die.*
- Vol. XI.** c o. Wil-

- o. William Chadwell, Esq;* disabled *Jan. 22, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party.
Charles Lord Viscount Rochester, eldest Son of Robert Earl of Somerset.
- Newport B. *John Maynard, Esq;* made his Election for Totness. *w. i. Dec. 8, 1640*, and *Feb. 9, 1646*.
- o. Richard Edgcumbe, Esq;* disabled. *w. i. February 9, 1646*.
Sir Philip Percival, Knt. and *Nicholas Leech, Esq;* both deceas'd in *1647. w. i. March 1, 1647*.
- St. Mawes B. *c. Richard Erisy, Esq;*
o. George Parry, LL. D. disabled *Jan. 22, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Feb. 9, 1646*.
s. William Priestley, Esq;
o. George Vane, Esq; disabled, and *Sir Arthur Ingram, Knt.* deceas'd. *w. i. September 4, 1646*.
Thomas Dacres, Esq;
Carew Raleigh, Esq;
- CUMBERLAND. *o. Sir George Dalston, Knt.* and
o. Sir Patricius Curwen, Bart. both disabled *March 15, 1643*, for putting the Commis-
 sion of Array in Execution. *w. i. Sep. 25, 1645*.
William Armyne, Esq;
Richard Tolson, Esq;
- Carlisle C. *o. Sir William Dalston, Knt.* and *Bart.* disabled *Jan. 22, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Sep. 25, 1645*.
c. Richard Barwis, Esq; deceas'd. *w. i. April 12, 1648*.
Thomas Cholmley, Esq;
Edward Lord Howard of Escricke, took his Seat in the House of Commons *May 5, 1649*

1649; but, *June 25, 1651*, disabled to sit in Parliament, and from bearing any Office of Trust; also fined 10,000 *l.* and committed to the *Tower* during the Pleasure of the Parliament, for being guilty of Bribery: But this Fine was annulled by *Vote, April 5, 1653.*

Cockermouth B. ^b c. Sir John Hippestey, Knt.
Sir John Fenwick, Knt. made his Election for *Northumberland. w. i. Feb. 5, 1641.*
Sir Thomas Stamford, not duly elected.
|| Francis Allen, Esq;

DERBYSHIRE. c. s. Sir John Curzon; Bart.
c. Sir John Coke, Knt.
Derby T. o. William Allestree, Esq; Recorder, and Nathaniel Hallows, Alderman. Their Election declared void, but rechose. The former disabled by *Vote. w. i. Sep. 1, and 23, 1645*, the Mayor having neglected to obey the first Writ.

s. Thomas Gell, Esq;
DEVONSHIRE. ——— Wife, Esq; deceas'd. *w. i. March 20, 1640.*
o. Edward Seymour, Esq; disabled *Jan. 16, 1643*, for appearing in Arms against the Parliament. *w. i. May 7, 1646.*
Sir Samul Rolle, Knt. deceas'd. *w. i. March 28, 1648.*

s. Sir Nicholas Martin, Knt.
Exeter C. c. s. Simon Snow, Esq;
o. Robert Walker, Esq; disabled *March 6, 1642*, for not appearing on divers Summons of the House. *w. i. Nov. 11, 1646.*
Samuel Clark, Esq;

Totnefs B. c. Oliver St. John, Esq; appointed his Majesty's Solicitor in *January 1640.*

Plymouth B. c. John Maynard, Esq;
c. Sir John Young, Knt.
s. John Whaddon, Esq;

^b On the 15th of February, 1640, the Commons resolved that this Burrough should be restored to its antient Privileges of sending Burgesses to Parliament.

Barnstable B.

c. George Peard, Esq; deceas'd. *w. i. May 13, 1646.*

o. Richard Ferrers, Esq; His Election declared void, but rechosen, and afterwards disabled. *w. i. May 13, 1646.*

* Philip Skippon, Esq;

s. John Dodderidge, Esq;

Plimpton B.

Michael Oldsworth, Esq; made his Election for *Salisbury.*

Sir Nicholas Slanning made his Election for *Penryn. w. i. Feb. 9, 1645.*

o. Hugh Potter, Esq; disabled.

o. Sir Thomas Hele, Kt. disabled. *w. i. Nov. 11, 1646.*

Sir Richard Strode, Knt.

Christopher Martin, Gent.

Tavistock B.

William Lord Russell, eldest Son of *Francis Earl of Bedford*, called up to the House of Peers, *May 22, 1641*, on the Decease of his Father.

c. John Pymme, Esq; deceas'd in *December 1643. w. i. July 8, 1646.*

o. John Russel, Esq; disabled *Jan. 22, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. July 8, 1646.*

Edmund Fowell, Esq;

Elizeus Crynes, Esq;

Clifton, Dartmouth, Hardness B.

c. Samuel Brown, Esq;

Arthur Upton, Esq; deceas'd in *October 1641.*

o. Roger Matthews, Esq; disabled *Feb. 5, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Feb. 9, 1645.*

* Thomas Boone, Esq;

Beralstone B.

Sir Thomas Cheeke, Knt. made his Election for *Harwich.*

Sir Hugh Pollard, Knt. expelled *Dec. 9, 1641*, for being concern'd in a Plot to bring up the King's Army in the *North* to overawe the Parliament. *w. i. eod. Die.*

c. William

- c.* William Strode, Esq; deceas'd in September 1645. *w. i.* Feb. 17, *eod.* Anno.
- s.* Charles Pymme, Esq;
Sir Francis Drake, Bart.
- Tiverton B.** *c.* Peter St. Hill, Esq; disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i.* Oct. 5, 1646.
- c.* George Hartnoll, Esq; disabled. *w. i.* October 5, 1646.
- John Elford, Esq;
Robert Shapcot, Esq;
- Abburton, B. ^c** *c.* Sir Edmond Fowel, Knt.
Sir John Northcote, Knt. and Bart.
- Honyton B.** Walter Young, Esq;
Sir William Pole, Knt. disabled June 24, 1643, for being in actual War against the Parliament. *w. i.* Nov. 29, 1645.
- s.* Charles Vaughan, Esq;
- Okehampton B. ^d** *c.* Lawrence Whitacre, Esq;
c. s. Edward Thomas, Esq;
- DORSETSHIRE.** George Lord Digby, eldest Son of John Earl of Bristol, called up to the House of Peers, by Writ, June 10, 1641, *Vita Patris.* *w. i.* *eod.* Die.
- Richard Rogers, Esq; disabled Sep. 12, 1642, for sending Forces into Sherborne Castle. *w. i.* Oct. 11, 1645.
- c.* || John Browne, Esq;
Sir Thomas Trenchard, Knt.
- Poole T.** John Pyne, Esq;
c. William Constantine, Esq; disabled September 4, 1643, for being in Arms against the Parliament, and endeavouring to betray and deliver up the Town of Pool. *w. i.* Sep. 25, 1645.
- s.* George Skutt, Esq;

c 3

Dor-

^c Upon a Report from the Committee of Privileges, Nov. 26, 1640, the Commons resolved, That the Towns of Abburton and Honyton ought to be restored to their antient Rights and Privileges of sending Burgeses to Parliament, and that Writs should issue accordingly. *Commons Journals.*

^d This Town had sent no Members since 7, Edward II. but was restored to its antient Right in the Beginning of this Parliament.

Willis's Notitia Parliamentaria.

Dorchester B.

c. Denzil Holles, Esq; disabled Jan. 27, 1647, on account of a Charge brought against him by Sir Thomas Fairfax and the Army: But this Order was revoked by another of the 8th of June 1648. ^h

Lyme-Regis B.

c. * Dennis Bond, Esq;
c. Edmund Prideaux, Esq;
c. Richard Rose, Esq;

Weymouth B.

c, s. Sir Walter Erle, Knt.
o. Sir John Strangways, Knt. disabled September 6, 1642, for neglecting the Service of Parliament. w. i. Sep. 25, 1645.
s. Matthew Allen, Gent.

Melcomb-Regis B.

o. Sir Gerrard Napier, Knt. disabled January 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Sep. 25, 1645.

o. Richard King, Esq; disabled Feb. 27, 1642. w. i. Sep. 25, 1645.

William Sydenham, jun. Esq;

John Bond, LL. D.

Bridport B.

Sir Lewis Dive, Knt. disabled.

o. Giles Strangways, Esq; disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Sep. 25, 1645.

c. * Roger Hill, Esq;

Thomas Celye, Esq;

Shaftsbury B.

o. Samuel Turner, M. D. disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. September 25, 1645.

c. William Whitaker, Esq; deceas'd. w. i. October 7, 1646.

Col. ——— Starre, deceas'd. w. i. October 15, 1647.

|| John

^h While this Charge was depending, Mr. Holles, having obtained Leave of the House to go abroad, retired into Normandy, where he resided several Years, and wrote his Memoirs. See the Note under Sir John Maynard, p. *19.

|| *John Frye, Esq;* suspended for writing a Book against the Trinity; but, upon his declaring that he abominated the Opinions charged upon him, re-admitted *February 3, 1648*: But disabled *Feb. 24, 1650*, for the same kind of Offence.

John Bingham, Esq;

Wareham B.

c. * *John Trenchard, Esq;*

c. s. *Thomas Erle, Esq;*

Corfe-Castle B.

Sir *Francis Windebank, Knt.* Secretary of State, fled out of the Kingdom. See Vol. IX. p. 37, & seq. w. i. Dec. 17, 1640.

o. *John Borlace, Esq;* disabled *March 4, 1643*, for neglecting the Service of the House, and adhering to the adverse Party. w. i. Sep. 25, 1645.

c. s. *Giles Green, Esq;*

Francis Chettle, Esq;

Essex.

o. *Robert Lord Rich*, eldest Son of *Robert Earl of Warwick*, called up to the House of Peers by Writ, *Jan. 27, 1640*, *Vita Patris. w. i. eod. Die.*

s. *Sir Martin Lumley, Knt. and Bart.*

c. * *Sir William Masham, Bart.*

Colchester B.

c. s. *Harbottle Grimstone, Esq;*

c. *Sir Thomas Barrington, Knt. and Bart.* was deceas'd in 1644. w. i. Sep. 25, 1645.

John Sayer, Esq;

Malden B.

c. || *Sir Henry Mildmay, Knt.*

c. s. *Sir John Clotworthy, Knt.* disabled *Jan. 27, 1647*, on account of a Charge brought against him by *Sir Thomas Fairfax* and the Army: But this Order was revoked by another of the 8th of *June, 1648*.

Harwich B.

c. *Sir Thomas Cheeke, Knt.*

c. *Sir Harbottle Grimstone, Knt. and Bart.* deceas'd. w. i. *March 16, 1647*.

s. *Capel Luckyn, Esq;*

Gloucester-SHIRE.

c. *Nathaniel Stephens, Esq;*

o. *John Dutton, Esq;* disabled.

s. *Sir John Seymour, Knt.*

Glou-

Gloucester C. Thomas Pury, Alderman.
c. o. Henry Brett, Esq; disabled. *w. i. Oct. 25, 1645.*

* *John Lenthall, Esq;*

Cirencester B. o. Sir Theobald Gorges, Knt. disabled, *January 22, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party.

o. John George, Esq; disabled.

Sir Thomas Fairfax Knt. and Nathaniel Rich, Esq; both elected in *February 1648.*

Fewkesbury B. Sir Robert Cook, Knt.

Sir Edward Alford, Knt.

John Craven, Esq; (created Baron Craven of Ryton, Co. Salop, *March 21, 1642*)

Edward Stephens, Esq; Double Return, and the Election declared void, *Aug. 6, 1641*, and a new Writ issued, whereupon were rechosen

Sir Robert Cooke, Knt. deceas'd. *w. i. September 1, 1645.*

Sir Edward Alford, Knt. His second Election declared void, and

s. *Edward Stephens, Esq;* declared duly elected, *Dec. 25, 1643*, deceas'd.

John Stephens, Esq;

HEREFORD-SHIRE.

c. s. Sir Robert Harley, Knight of the Bath, Fitz-Williams Coningsby, Esq; expelled *October 30, 1641*, for being a Monopolist. *w. i. eod. Die.*

o. *Humphry Coningsby, Esq;* disabled. *w. i. September 11, 1646.*

s. *Edward Harley, Esq;* disabled *Jan. 29, 1647*, on account of a Charge brought against him by Sir Thomas Fairfax and the Army: But this Order was revoked by another of the 8th of *June, 1648.*

Hereford C.

Richard Weaver, Esq; deceas'd in *May 1642.*

o. Richard Seabourne, Esq; disabled *January 3, 1645*, and *w. i. Sep. 11, 1646.*

o. *James*

- o. James Scudamore, Esq;* disabled. *w. i. Sep-
tember 11, 1646.*
Edmund Weaver, Esq;
Bennet Hoskins, Esq;
- Weobly B.* *c. o. Arthur Jones, Lord Viscount Ranelagh,*
in Ireland, disabled. w. i. Sep. 11, 1646.
o. Thomas Tomkins, Esq; disabled *Jan. 22,*
1643, for deserting the Service of the House,
being in the King's Quarters, and adher-
ing to that Party. w. i. Sep. 11, 1646.
Robert Andrews, Esq;
William Crowther, Esq;
- Leominster B.* *o. Walter Kirle, Esq;*
o. Samuel Eure, Serjeant at Law, disabled
Jan. 22, 1643, for deserting the Service
of the House, being in the King's Quar-
ters, and adhering to that Party. w. i. Sep-
tember 11, 1646.
s. John Birch, Esq;
- HERTFORD-**
SHIRE. *c. s. Sir William Litton Knt.*
Arthur Capel, Esq; created Lord Capel, Au-
gust 6, 1641. w. i. Die prox. in his Place
c. s. Sir Thomas Dacres, Knt.
- St. Albans B.* *c. s. Edward Wingate, Esq;*
Sir John Jennings, Knt. deceas'd in August
1642. In his Place
c. s. Richard Jennings, Esq;
- Hertford T.* *c. Charles Viscount Cranburn, eldest Son of*
William Earl of Salisbury.
o. Sir Thomas Fanshaw, Knight of the Bath,
disabled Nov. 25, 1643. w. i. Sep. 3,
1645.
William Leman, Esq;
- HUNTINGDON-**
SHIRE. *Sir Sidney Montague, Knt. disabled Dec. 3,*
1642, and committed Prisoner to the
Tower, for refusing his Consent to the Vote
for adhering to the Earl of Essex. w. i. Sep-
tember 23, 1645.
† Valentine Wauton, Esq;
Edward Montague, Esq;

Hun-

*e. This Town had discontinued sending Members since the Reign of Edward I,
but was restored 1640, 15. Car. I, Willis's Notitia Parliamentaria.*

- Huntingdon T.** c. * Abraham Burrel, Esq;
c. Edward Montague, Esq; Called, by Writ, to the House of Peers on the Decease of his Father, *Edward Lord Montague of Boughton* in *June 1644. w. i. Sep. 3, 1645.*
s. *Thomas Temple, Esq;*
- KENT.** Sir Edward Deering, Bart. disabled, *Feb. 2, 1641*, for printing his Speeches in Parliament. *w. i. eod. Die.* (See Volume X. p. 270.)
o. Sir John Colepeper, Knt. disabled *Jan. 22, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Sep. 12, 1645.* Created Baron *Colepeper of Thorseway OEt. 21, 1644.*
c. * *Augustine Skinner, Esq;*
John Boys, Esq;
- Canterbury C.** Sir Edward Masters Knt. deceas'd. *w. i. November 18, 1648.*
c. * John Nutt, Esq;
- Rochester C.** c. Richard Lee, Esq;
Sir Thomas Walsingham, Knt.
- Maidstone B.** s. Sir Humphrey Tufton, Knt.
c. Sir Francis Barnham, Knt. deceas'd. *w. i. Nov. 11, 1646.*
Thomas Twisden, Esq;
- Queenborough B.** Sir Edward Hales, Knt. and Bart. disabled. *w. i. May 10, 1648.*
William Harrison, Esq; disabled *June 24, 1643*, for being in actual War against the Parliament. *w. i. Sep. 1, 1645.*
† *Sir Michael Livesey, Bart.*
† *Augustine Garland, Esq;*
- LANCASHIRE.** c. Sir Ralph Ashton, Bart.
Roger Kirkby, Esq; disabled *August 29, 1642. w. i. Dec. 30, 1645.*
Sir Richard Houghton, Bart.
- Lancaster T.** c. o. Sir John Harrison, Knt. disabled *Sep. 4, 1643*, for being in Arms against the Parliament. *w. i. OEt. 14, 1645.*
o. Sir

- o.* Sir Thomas Fanshaw, Knt. disabled *September 7, 1642*, for neglecting the Service of the House, and not appearing on Summons. *w. i. Oct. 14, 1645.*
Sir Robert Bendlows, Knt.
Thomas Fell, Esq;
Preston B. *c.* Richard Shuttleworth, Esq;
 Thomas Standish, Esq; was deceas'd in 1644.
w. i. Oct. 14, 1645.
William Langton, Esq;
Newton B. *c.* William Ashurst, Esq;
 Peter Legh, Esq; deceas'd. *w. i. Feb. 5, 1641.*
o. Sir Roger Palmer, Knt. disabled *Jan. 22, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Dec. 30, 1645.*
s. Peter Brooke, Esq;
Wigan B. * Alexander Rigby, Esq;
o. Orlando Bridgeman, Esq; disabled *August 29, 1642*, for assisting Lord Strange at Chester against the Parliament. *w. i. December 30, 1645.*
s. John Holcrofte, Esq;
Clithero B. *s.* Ralph Ashton, Esq;
 Richard Shuttleworth, Esq;
Liverpool B. *c.* † John Moore, Esq;
 Sir Richard Wynn, Knt. and Bart. deceas'd. *w. i. Aug. 28, 1649.*
Thomas Birch, Esq; elected in *October 1649.*
LEICESTER-SHIRE. Henry De Grey, commonly stiled Lord *Rutben*^f, remov'd to the House of Peers on the Decease of his Father, *Anthony Earl of Kent*, in 1643. *w. i. Oct. 30, 1645.*
c. * Sir Arthur Haselrigg, Bart.
 † Henry Smyth, Esq;
Leicester T. *c.* † Thomas Lord Grey of Grooby, eldest Son of *Henry Earl of Stamford.*
o. Thomas Cook, Esq; disabled *January 22, 1643*, for deserting the Service of the House,

^f The Barony of Grey of *Rutben* was then in the Possession of *Charles Longueville*, Heir General of the Family of *Kent*, as in the PEERAGE before given,

- House, being in the King's Quarters, and adhering to that Party. *w. i. September 30, 1645.*
- † *Peter Temple, Esq;*
- LINCOLNSHIRE.** *c. Sir John Wray, Knt. and Bart.*
s. Sir Edward Ayscough, Knt.
- Lincoln C.** *c. Thomas Grantham, Esq;*
John Broxholme, Esq; decess'd. w. i. March 15, 1646.
 || *Thomas Lister, Esq;*
- Boston T.** *c. s. Sir Anthony Irby, Knt.*
c. s. William Ellis, Esq;
- Great Grimsby B.** *c. Sir Christopher Wray, Knt. decess'd. w. i. Feb. 17, 1645.*
a. Gervase Holles, Esq; suspended April 26, 1641, for reflecting upon the House in relation to the Scots Propositions; re-admitted to his Seat, the second of December following, but disabled August 22, 1642. w. i. eod. Die, and Sept. 12, 1645.
William Wray, Esq;
Edward Rossiter, Esq;
- Stamford B.** *c. Thomas Hatcher, Esq;*
a. Geoffrey Palmer, Esq; disabled Sep. 7, 1642, for not appearing on Summons. w. i. Sept. 12, 1645.
 * *John Weaver, Esq;*
- Grantham B.** *c. * Sir William Armysn, Bart.*
c. s. Henry Pelham, Esq;
- MIDDLESEX.** *c. s. Sir Gilbert Gerrard, Bart.*
c. Sir John Franklyn, Knt. decess'd. w. i. April 12, 1648.
- Westminster C.** *c. John Glynne, Esq; disabled Sep. 7, 1647, and committed to the Tower, on account of a Charge brought against him by Sir Thomas Fairfax and the Army: But this Order was revoked by another of the 7th. of June, 1648.*
c. William Bell, Gent.
- London C.** *Matthew Cradock, Esq; decess'd in 1640.*
c. s. Sir Thomas Soame, Knt.
a. || Isaac Pennington, Esq;
- c. s. Samuel*

MONMOUTH-SHIRE.

c. s. Samuel Vaffal, Merchant.

c. † John Venn, Esq;

Sir Charles Williams deceas'd. w. i. March 19, 1641.

o. William Herbert, Esq; disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Sept. 11, 1646.

John Herbert, Esq;

Henry Herbert, Esq;

Monmouth T.

Thomas Trevor, Esq;

o. William Watkins, Esq; Their Election declared void, Nov. 29, 1644. The latter rechose, but disabled. w. i. for one in his Place, Nov. 18, 1646.

Thomas Pury, jun. Esq;

NORFOLK.

c. Sir John Potts, Knt. and Bart. deceas'd.

Sir Edward Mountford, Knt. was deceas'd in 1644. w. i. Dec. 3, 1645.

c. Sir John Hobart, Bart. deceas'd. w. i. April 29, and May 27, 1647.

s. Sir John Palgrave, Knt. and Bart.

Norwich C.

c. Richard Harman, Esq; deceas'd. w. i. December 7, 1646.

o. Richard Catalyn, Esq; disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Sept. 30, 1645.

Erasmus Erle, Esq;

* Thomas Atkins, Esq;

Lynne-Regis T.

Thomas Toll, Gent.

John Percival, Gent. was deceas'd in 1644. w. i. Jan. 1, 1645.

Edmund Hudson, Esq; disabled July 5, 1647, for assisting in the Rising in this Town. w. i. eod. Die, and June 22, 1649.

William Earl of Salisbury, elected in 1649.

Yarmouth T.

c. † Miles Corbet, Esq;

c. Edward Owner, Esq;

Thetford B.

c. Sir Thomas Woodhouse, Knt. and Bart.

c. s. Framlingham Gawdy, Esq;

Castle-

- Castle-Rising B.** c. Sir John Holland, Bart.
 Sir Christopher Hatton, Knt. made his Election for *Higham-Ferrers*.
 o. Sir Robert Hatton, Knt. disabled Sep. 7, 1642, for executing the Commission of Array, after it was declared illegal, and for not appearing on Summons. w. i. Oct. 29, 1645.
 s. John Spelman, Esq;
- NORTHAMPTONSHIRE.** c. || Sir Gilbert Pickering, Bart.
 c. Sir John Dryden, Bart.
- Peterborough C.** c. s. William Fitz-Williams, Esq; eldest Son of William Lord Viscount Fitz-Williams, in Ireland. In this Title he succeeded his Father, Jan. 6, 1643.
 s. Sir Robert Napier, Knt. and Bart.
- Northampton T.** c. Zouche Tate, Esq;
 c. s. Richard Knightley, Esq;
- Brackley B.** c. s. John Crew, Esq;
 c. s. Sir Martin Lyfter, Knt.
- Higham-Ferrers B.** Sir Christopher Hatton, Knt. disabled September 7, 1642, for executing the Commission of Array, after it was declared illegal, and for not appearing on Summons: w. i. Sept. 17, 1645. Created Baron Hatton of Kirby, July 29, 1643.
 Edward Harvey, Esq;
- NORTHUMBERLAND.** Henry Piercy, Esq; Brother to the Earl of Northumberland, expelled Dec. 9, 1641, for being concern'd in a Plot to bring up the King's Army in the North, to over-awe the Parliament. w. i. eod. Die. Created Baron Piercy of Alnwick, June 28, 1643.
 Sir William Widdrington, Bart. disabled August 26, 1642, for refusing to attend the Service of the House, and raising Arms against the Parliament. w. i. Sep. 25, 1645. Created Baron Widdrington of Blackeny, Nov. 10, 1643, and kill'd at the Battle of Worcester.
 o. Sir

- o.* Sir John Fenwick, Knt. disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party: But this Order for his being disabled was vacated by another Order of the 26th of June 1646. ^z

William Fenwick, Esq;

Newcastle upon Tyne T. Sir John Melton, deceas'd. *w. i.* Dec. 17, 1640.

- c.* Sir Henry Anderson, Knt. disabled Sep. 4, 1643, for deserting the Service of the House, and repairing to the Army against the Parliament. *w. i.* Sept. 3, 1645.

c. † John Blackiston, Esq;

— Warmouth, Esq; his Election declared void July 23, 1647. *w. i.* eod. Die.

Robert Ellison, Esq;

Berwick T.

Sir Edward Osborne, Knt. His Election declared void Dec. 7, 1640. *w. i.* eod. Die.

c. Sir Thomas Widdrington, Knt.

c. Robert Scawen, Esq;

Morpeth B.

o. John Fenwick, Esq; disabled January 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i.* Sept. 12, 1645.

o. Sir William Carnaby, Knt. disabled August 26, 1642, for refusing to attend the Service of the House, and raising Arms against the Parliament. *w. i.* Sept. 12, 1645.

John Fiennes, Esq; Third Son of William Lord Viscount Say and Sele.

* George Fenwick, Esq;

NOTTINGHAM-SHIRE.

c. Sir Thomas Hutchinson, Knt. was dead in 1644. *w. i.* Feb. 10, 1645.

o. Robert Sutton, Esq; disabled. *w. i.* February 10, 1645. Created Baron Lexington of Aram, Nov. 21, 1645.

† John Hutchinson, Esq;

Gervase Pigot, Esq;

Not

^z This second Order was agreed to by a Majority of 124 against 73. Tellers for the Yeas, with the Yeas, Sir Philip Stapylton and Mr. Holles; for the Noes, with the Noes, Mr. Ellis and Mr. Reynolds.

Nottingham T. a. William Stanhope, Esq; disabled. *w. i. November 12, 1645.*

Francis Pierrepont, Esq; third Son of Robert Earl of Kingston.

c. 1 Gilbert Millington, Esq;

East-Retford B. o. Sir Gervase Clifton, Knt. and Bart. disabled. *w. i. January 1, 1645.*

o. Charles Viscount Mansfield, eldest Son of William Earl of Newcastle, disabled January 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. January 1, 1645.*

s. Sir William Lister, Knt.

Francis Thornhaugh, Esq; deceas'd. *w. i. November 18, 1648.*

— Nevil, Esq; elected in May 1649.

OXFORDSHIRE. c. s. Thomas Wenman Lord Viscount Wenman, in Ireland.

c. James Fiennes, Esq; eldest Son of William Lord Viscount Say and Sele.

Oxford Univer- o. Sir Thomas Roe, Knt. was deceas'd in *city.* 1644. *w. i. Nov. 18, 1646.*

c. John Selden, Esq;

Oxford C. Charles Lord Viscount Andover, eldest Son of Thomas Earl of Berkshire, called up to the House of Peers by Writ, Nov. 18, 1640, *vita Patris.*

o. John Whistler, Esq; and

o. John Smith, Esq; both disabled. *w. i. November 18, 1646.*

John Doyley, Esq;

John Nixon, Alderman.

Woodstock B. William Herbert, Esq; made his Election for Monmouthshire.

c. William Lenthall, Esq; SPEAKER.

c. s. Sir Robert Pye, Knt.

Banbury B. c. s. Nathaniel Fiennes, Esq; second Son of William Lord Viscount Say and Sele.

RUTLAND-SHIRE. o. Hon. Baptist Noel, eldest Son of Edward Lord Viscount Cambden, disabled. *w. i. September 30, 1645.*

c. o. Sir

o. Sir Guy Palmes, Knt. disabled *Sept.* 28, 1643 for neglecting the Service of the Common-wealth, and not attending the House. *w. i.* *Sept.* 30, 1645.

¶ Sir James Harrington, Knt.

¶ Thomas Wayte, Esq;

SHROPSHIRE.

¶ Sir Richard Newport, Knt. disabled; but created a Baron, *Oct.* 14, 1642.

o. Sir Richard Lee, Bart. disabled *September* 6, 1642, for executing the Commission of Array, after it was declared illegal, and not appearing on Summons. *w. i.* *June* 5, 1646.

c. s. Sir John Corbet, Bart.

¶ Humphrey Edwards, Esq;

Shrewsbury T.

o. Francis Newport, Esq; disabled *Jan.* 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i.* *Sept.* 12, 1645.

o. William Spurstow, Merchant, deceased. *w. i.* *Jan.* 19, 1645.

¶ Thomas Hunt, Esq;

¶ William Masham, Esq;

Bridgnorth B.

o. Sir Thomas Whitmore, Knt. disabled *Feb.* 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i.* *May* 13, 1646.

o. Sir Edward Acton, Knt. disabled *Feb.* 5, 1643, for the same Offence as the last. *w. i.* *May* 13, 1646.

¶ Robert Clive, Esq;

¶ Robert Charlton, Esq;

Ludlow B.

o. Charles Baldwin, Esq; disabled *February* 5, 1643, for the same Offence as the last. *w. i.* *July* 23, 1646.

o. Ralph Goodwin, Esq; Secretary to Prince Rupert, disabled *Feb.* 5, 1643, for the same Offence as the last. *w. i.* *July* 23, 1646.

¶ Thomas Mackworth, Esq;

¶ Thomas Moor, Esq;

Great Wentlock B.

c. William Pierrepont, Esq; second Son of Robert Earl of Kingston.

d see A

o. Thomas

¶ This Gentleman attended only one Day.

- e. Thomas Littleton, Esq; disabled Feb. 5, 1643, for the same Offence as the last. w. i. May 13, 1646.*
Sir Humphrey Briggs, Knt.
Bishops-Castle T. v. *Sir Robert Howard, Knight of the Bath, disabled Sep. 6, 1642, for executing the Commission of Array after it was declared illegal, and for not appearing on Summons. w. i. Nov. 12, 1645.*
e. Richard Moor, Esq; was dead in 1644. w. i. Nov. 12, 1645.
Isaiah Thomas, Esq;
John Corbet, Esq;
SOMERSET-SHIRE.
e. Sir John Paulet, Knt, and
e. Sir John Stawell, Knight of the Bath, both disabled August 8, 1642. w. i. eod. Die, and Oct. 25, 1645.
s. George Horner Esq; and
John Harrington, Esq; Their Election declared void, and w. i. June 5, 1646.
Bristol C. *Humphrey Hooke, Esq; and*
Richard Long, Esq; both declared not duly elected, on account of their being within the Resolution of the House against Monopolists, after two Years sitting. In their Places
John Glanville, Serjeant at Lawⁿ, and
William Taylor, Esq; disabled by Vote, Sep. 25, 1645, and w. i. eod. Die.
Richard Aldworth, Esq;
Luke Hodges, Esq; deceas'd.
s. William Prynne, Esq;
Bath C. *e. v. William Bassett, Esq; disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Sep. 25, 1645.*
e. Alexander Popham, Esq;
James Alb, Esq;
Wells C. *Sir Ralph Hopton, Knight of the Bath, disabled August 5, 1642, for executing the Com-*

^s This Gentleman attended only one Day.

ⁿ Speaker of the last Parliament, which met the 13th of April, 1640.

Commission of Array. *w. i. eod. Die*, and
Sep. 25, 1645. Created Baron Hopton
of Stratton, *Sep. 4, 1642.*

o. Sir Edward Rodney, Knt. disabled *Aug. 12,*
1642. w. i. eod. Die, and *Sep. 25, 1645.*

Lislebone Long, Esq;

j. Clement Walker, *Esq;* Author of the Hi-
story of Independency.

Taunton B.

George Searle, *Esq;*

o. Sir William Portman, Bart. disabled *Feb. 5,*
1643, for deserting the Service of the House,
being in the King's Quarters, and adhering
to that Party. *w. i. Sep. 25, 1645.*

Admiral Robert Blake.

Bridgewater B.

c. Sir Peter Wroth Knt. was deceas'd in *1644.*
w. i. Sep. 25, 1645.

Edmund Wyndham, *Esq;* expelled *Jan. 21,*
1640, for being a Monopolist. *w. i. eodem*
Die.

Thomas Smith, *Esq;* disabled *Aug. 5, 1642.*
w. i. eod. Die, and *Sep. 25, 1645.*

John Palmer, *M. D.*

|| Sir Thomas Wroth, Knt.

Mynhead B.

c. Sir Francis Popham, Knt. and
Alexander Lutterel, Gent. were both deceas'd
in *1644. w. i. Oct. 25, 1645.*

Edward Popham, *Esq;*

Walter Strickland, *Esq;*

Ilchester B.

Sir Henry Berkeley, Knt. and

o. Robert Hunt, *Esq;* Their Election declared
void. The latter was re-elected, but dis-
abled *Feb. 5, 1643*, for deserting the Ser-
vice of the House, being in the King's
Quarters, and adhering to that Party.
w. i. Sep. 25, 1645.

o. Edward Philips, *Esq;* disabled the same
Day, and for the same Offence as the last.
w. i. Sep. 25, 1645.

William Strode, *Esq;*

Thomas Hodges, *Esq;*

d 2

Mil-

f This Gentleman attended only one Day.

Milborne Port B. George Lord Digby made his Election for Dorsetshire.

a. John Digby, Esq; disabled Aug. 5, 1642, for putting the Commission of Array in Execution. w. i. Sep. 25, 1645.

b. Edward Kirton, Esq; disabled August 11, 1642. w. i. cod. Dic. and Sep. 25, 1645.

s. Thomas Grove, Esq;
William Carew, Esq;

SOUTHAMPTON SHIRE. Sir Henry Wallop, Knt. was deceas'd in 1644. w. i. Oct. 24, and Nov. 10, 1645.

c. Richard Whitehead, Esq;
Richard Norton, Esq;

Winchester C.

c. John Lille, Esq;
o. Sir William Ogle, Knt. disabled June 24, 1643, for being in War against the Parliament. w. i. Oct. 25, 1645.

|| Nicholas Love, Esq;

Southampton T.

c. George Gallop, Esq;
c. Edward Exton, Esq;

Portsmouth T.

Henry Piercy, Esq; made his Election for Northumberland.

Col. George Goring, disabled Aug. 16, 1642, for giving up Portsmouth to the King. w. i. cod. Dic. also Oct. 25, and March 23, 1645.

a. Nicholas Weston, Esq; disabled Aug. 16, 1642, for doing ill Service to the Parliament in the Affair of Portsmouth last mentioned. w. i. cod. Dic.

c. Edward Dowse, Esq; deceas'd, w. i. November 18, 1648.

|| John Booth, Esq;
Richard Cromwell, Esq;

Yarmouth B.

c. Philip Lord Lisle, eldest Son of Robert Earl of Leicester.

c. Sir John Leigh, Knt.

Petersfield B.

c. s. Sir William Lewis, Bart. disabled January 27, 1647, on account of a Charge brought

This Town sent no Members since 35. Edward I. till required so to do 15. Car. I. 1640. *Willis's Notitia Parliamentaria.*

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brought against him by Sir Thomas Fairfax and the Army: But this Order was revoked by another of the 8th of June, 1648.

Newport B. o. Sir William Uvedale Knt. disabled.
Lucius Carey, Lord Viscount Falkland, disabled September 22, 1642. Kill'd at the first Battle of Newbury, in September 1643, in the King's Service. w. i. Nov. 1, 1645.

Sir Henry Worsley, Bart.

William Stephens, LL. D.

Stockbridge B. c. William Hoveningham, Esq;

s. William Jephson, Esq;

Newton B. o. Sir John Meux, Knt. disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Oct. 25, 1645.

o. Edward Nicholas, Esq; appointed Secretary of State, on the Decease of Lord Falkland, disabled. w. i. Oct. 25, 1645.

* Sir John Barrington, Knt. and Bart.

s. John Bulkeley, Esq;

Christ-Church B. Henry Tulse, Esq; was deceas'd in 1644. w. i. October 23, 1645.

o. Marthow Davies, Esq; disabled March 16, 1642, for not appearing on Summons. w. i. Oct. 23, 1645.

John Kemp, Esq;

Richard Edwards, Esq;

Whitechurch B. c. Sir Thomas Jervoise, Knt.

Richard Jervoise, Esq; deceas'd. w. i. October 31, 1645.

Thomas Hussey, Esq;

Lymington B. c. John Button, Esq;

c. Henry Campion, Esq;

Bridgewater B. Sir Henry Rainsford, Knt. deceas'd. w. i. March 31, 1641.

Henry Vernon, Esq; not duly elected.

s. Sir William Waller, Kt. disabled Jan. 27, 1647, on account of a Charge brought against him by Sir Thomas Fairfax and the

The Parliamentary History

Army: But this Order was revoked by another of the 8th of June, 1648.

c. **Robert Wallop, Esq;**
STAFFORD-SHIRE. *c.* **Sir William Bowyer, deceas'd. w. i. March 15, 1648.**

c. **Sir Edward Littleton, Bart. disabled March 2, 1643, for neglecting the Service of the House, and going to the other Party.**

c. **Sir Harvey Bagot, Knt. disabled Nov. 24, 1642, for raising Forces against the Parliament.**

c. **Sir Richard Steffington, Kt. deceas'd. w. i. October 23, 1647.**

c. **John Bowyer, Esq;**
c. **Thomas Crompton, Esq;**

Litchfield C. *c.* **Michael Noble, Esq;**
c. **Sir Richard Cave, Knt. disabled Aug. 30, 1642. w. i. Nov. 26, 1646.**

c. **Michael Bidulph, Esq;**
Stafford T. *c.* **Ralph Sneyde, jun. Gent. disabled May 20, 1643, taken Prisoner at Stafford, in the King's Service. w. i. Sep. 25, 1645.**

c. **Richard Weston, Esq; disabled. w. i. September 25, 1645.**

c. **John Swinsfen, Esq;**
c. **Edward Leigh, Esq;**

Newcastle under Line. *c.* **Sir John Merrick, Knt.**
c. **Sir Richard Leveson, Knight of the Bath, disabled Nov. 24, 1642, for raising Forces against the Parliament. w. i. Sep. 25, 1645.**

c. **Samuel Terriek, Esq;**

Tamworth B. *c.* **William Strode, Esq; made his Election for**

c. **Henry Wilmot, Esq; expelled Dec. 9, 1641, for being concern'd in a Plot for bringing up**

c. **the Army to over-awe the Parliament.**

c. **Created Baron Wilmot of**

c. **Adderbury, June 29, 1643.**
c. **Ferdinando Stanhope, Esq; fourth Son of Phi-**

c. **lip Earl of Chesterfield, disabled March 27, 1643. w. i. Sep. 25, 1645.**

c. * **Sir**

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- a. Sir Peter Wentworth Knight of the Bath.*
George Abbat, Esq;
- SUFFOLK.** *c. Sir Nathaniel Barnardiston, Knt.*
c. s. Sir Philip Parker, Knt.
- Ipswich T.** *c. John Gourdon, Esq;*
c. William Cage, Esq; was deceas'd in 1644.
w. i. Dec. 5, 1645.
Francis Bacon, Esq;
- Dunwich B.** *c. Sir Anthony Bedingfield, Knt.*
Henry Coke, Esq; disabled Sep. 7, 1642, for
neglecting the Service of the House, and
not appearing on Summons. w. i. Sep. 2,
1645.
Robert Brewster, Esq;
- Orford B.** *c. s. Sir William Playters, Knt. and Bart.*
Sir Charles Le Gros, Knt.
- Aldborough B.** *c. Squire Bence, Esq;*
Capt. Rainsborough, deceas'd in 1641.
c. Alexander Bence, Esq;
- Sudbury B.** *c. s. Sir Symonds D'Ewes, Knt. and Bart.*
Sir Robert Crane, Knt. and Bart. was deceas'd
in 1644. w. i. Sep. 2, 1645.
Brampton Gourdon, jun. Esq;
- Eye B.** *c. s. Sir Roger North, Knt.*
c. Sir Frederick Cornwallis, Knt. and Bart.
disabled Sep. 23, 1642, for sending over
Officers from Holland into England against
the Parliament. w. i. Sep. 1, 1645.
s. Morris Barrow, Esq;
- St. Edmundsbury B.** *c. Sir Thomas Jermyn, Knt. disabled Feb. 14,*
1643, for deserting the Service of the House,
being in the King's Quarters and adhering
to that Party. w. i. Aug. 21, 1645.
Henry Jermyn, Esq; disabled; but created
Baron Jermyn of St. Edmundsbury, Sep. 8,
1643. w. i. Aug. 21, 1645.
s. Sir William Spring, Bart.
Sir Thomas Barnardiston, Knt.
- SURREY.** *c. s. Sir Richard Onslow, Knt.*
c. s. Sir Ambrose Brown, Bart.

South-

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- Southwark B.** 1. Edward Bagshaw, Esq; disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Aug. 21, 1645.
2. John White, Esq; deceas'd, Jan. 30, 1644. w. i. Aug. 21, 1645.
George Thompson, Esq;
George Snelling, Esq;
Blechingley B. Sir John Evelyn, Knt.
Edward Bylde, jun. Esq;
Ryegate B. 1. William Monson, Lord Viscount Monson in Ireland.
2. Sir Thomas Bludworth, Knt. disabled. w. i. Sept. 3, 1645.
George Evelyn, Esq;
Guildford B. 1. Sir Robert Parkhurst, Knt. deceas'd.
George Abbot, Esq; On the 6th of July 1641, it was moved that this Gentleman, at his own Request, might decline his Election, and that a new Burgess might be chosen; but this Motion was not thought fit to be granted. Deceas'd, w. i. Nov. 12, 1645.
Nicholas Staughton, Esq; deceas'd, w. i. May 6, 1648.
Garton B. 1. Sir Samuel Owfield, Knt. was deceas'd in 1642. w. i. Sept. 3, 1645.
2. 3. Thomas Sandys, Esq; and Sanders, Esq; a double Return. The latter declared not duly elected, Nov. 5, 1641.
3. William Owfield, Esq;
4. John Goodwyn, Esq;
Sir Pymings More, Knt. and Bart. deceas'd. w. i. June 22, 1649.
Sussex. 1. 3. Sir Thomas Pelham, Bart.
4. 1. Anthony Staply Esq;
Chichester C. 1. Christopher Lewkenor, Esq; disabled Sep. 2, 1642. w. i. eod. Die, and September 3, 1645.

Sir

- Sir William Morley, Knt.** disabled Nov. 23, 1642, for assisting in putting a Garrison into *Chichester* for the King. w. i. eod. Die, and Sept. 3, 1645.
- Sir John Temple, Knt.**
- Henry Rich, Esq;**
- Horsham B.** c. 1. **Thomas Middleton, Esq;**
c. **Paul Ravencroft, Esq;**
- Midhurst B.** c. 1. **William Cawley, Esq;**
Dr. Chaworth, not duly elected.
- Thomas May, Esq;** disabled Nov. 23, 1642, for putting a Garrison into *Chichester* for the King. w. i. eod. Die, and Sept. 11, 1645.
- † **Sir Gregory Norton, Bart.**
- Lewes B.** c. || **Herbert Morley, Esq;**
— **Rivers, Esq;** decess'd. w. i. Jun 9, 1641.
Henry Shelley, Esq;
- Shoreham B.** c. s. **John Alford, Esq;**
William Marlot, Esq; decess'd. w. i. July 24, 1646.
- Herbert Spranger, Esq;**
- Bramber B.** **Sir Edward Bishop, Knt** And
c. s. **Arthur Onslow, Esq;** Their Election declared void, Dec. 16, 1640, and the former voted incapable of any Election this Parliament; but the latter was re-elected.
- Sir Thomas Bowyer, Bart.** disabled November 23, 1642, for assisting in putting a Garrison into *Chichester* for the King. w. i. eod. Die, and Sept. 12, 1645.
- † **James Temple, Esq;**
- Steyning B.** **Richard Lord Buckhurst, eldest Son of Edward Earl of Dorset,** made his Election for *East-Grinstead*.
- Thomas Leeds, Esq;** disabled Nov. 23, 1642, for the same Offence as the last. w. i. eod. Die, and Sept. 12, 1645.
- Sir Thomas Farnfold,** decess'd. w. i. September 12, 1645.
- Edward Apple, Esq;**
- Herbert Borde, Esq;** decess'd. w. i. September 20, 1648.
- East-

East-Griffiths B. Richard Lord Buckhurst, disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i.* Sept. 12, 1645.

c. Robert Goodwyn, Esq;
Robert Pickering, Esq; his Election declared void Feb. 9, 1645. In his Place

John Baker, Esq;
Arundel B. Henry Garton, Esq; deceas'd. *w. i.* November 12, 1641.

c. Sir Edward Alford, Knt. disabled Jan. 22, 1643, for the same Offence as the last. *w. i.* Sep. 3, 1645.

c. 1 John Downes, Esq;

c. Herbert Hay, Esq;

WARWICK-SHIRE. James Lord Compton, eldest Son of Spenser Earl of Northampton, and Edward Combe, Esq; Their Election declared void Dec. 2, 1640; but the former rechosen and afterwards disabled. *w. i.* October 11, 1645.

c. Richard Shuckburgh, Esq; disabled. *w. i.* October 11, 1645.

c. Sir John Burgoyne, Bart.

c. Thomas Boughton, Esq;

Codentry C. John Barker, Alderman.

c. William Jesson, Alderman.

Warwick B. Sir Thomas Lucy, Knt. deceas'd. *w. i.* December 17, 1640.

c. William Perfoy, Esq;

c. Godfrey Bosvile, Esq;

**WESTMORE-
LAND.** Sir Philip Musgrave, Bart. disabled March 15, 1642, for putting the Commission of Array in Execution. *w. i.* Oct. 11, 1645.

c. Sir Henry Bellingham, Knt. and Bart. disabled Oct. 11, 1645, for his Delinquency to the Parliament. *w. i.* *ead. Die.*

c. James Bellingham, Esq;

c. Henry Laurence, Esq;

Appleby T. Richard Boyle, Lord Viscount Dungarvon, eldest Son of Richard Earl of Corke, whom he succeeded as such in Sept. 1643, disabled Nov. 10, *ead. Anno*, on account of the

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Cessation with the Irish Rebels. w. i. September 25, 1645. Created Baron of Londesborough, November 4, 1644.

o. Sir John Brooke, Knt. disabled March 15, 1642, for granting a Warrant for raising of Money for the King's Service in Lincolnshire. w. i. Sept. 25, 1645. Created Baron of Cabbam, January 3, 1644.

** Richard Salway, Esq;*

† Henry Ireton, Esq;

WILTSHIRE, *a. Sir James Thinn, Knt. disabled. w. i. December 30, 1645.*

c. Sir Henry Ludlowe, Knt. was deceas'd in 1644. w. i. Dec. 30, 1645.

James Herbert, Esq; second Son of Philip Earl of Pembroke and Montgomery.

† Lieutenant-General Edmund Ludlowe.

Salisbury C. *a. Michael Oldsworth, Esq;*

o. Robert Hyde, Serjeant at Law, disabled Aug. 4, 1642, for executing the Commission of Array. w. i. Die proximo, and September 30, 1645.

† John Dove, Esq;

Wilton B. *c. Sir Henry Vane, Knt.*

c. s. Sir Benjamin Rudyard, Knt.

Downton B. *o. Sir Edward Griffith, Knt. disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Sept. 30, 1645.*

Alexander Thistlethwait, Esq;

Hindon B. *c. * Robert Reynolds, Esq;*

c. Sir Miles Fleetwood, Knt. deceas'd.

Thomas Bennet, Gent. was deceas'd in 1644. w. i. Oct. 11, 1645.

Edmund Ludlowe, Esq;

Heitbury B. *c. Thomas Moor, Esq;*

c. Edward Ashe, Gent.

Westbury B. *c. s. William Wheeler, Esq;*

s. John Ash, Esq;

Calne B. *c. Hugh Rogers, Esq;*

a. George Low, Esq; disabled Feb. 5, 1643, for deserting the Service of the House, being

riding in the King's Quarters, and adhering to none but that Party. *w. i. Oct. 30, 1645.*

Randall Wilson, Esq; Alderman of London.

Devon B. Beldall. Sir Edward Baynton, Knt.

Chappinham B. Sir Robert Nichols, Serjeant at Law.

Chappinham B. Sir Edward Baynton, Knt.

Chappinham B. Sir Edward Hungerford, Knight of the Bath.

Malisbury B. Sir Neil Poole, Knt.

Malisbury B. Anthony Hungerford, Esq; disabled. *w. i.*

Malisbury B. September 12, 1645.

Malisbury B. Sir John Danvers, Knt. Brother to Henry Earl of Danby.

Cricklade B. Robert Jenner, Esq;

Cricklade B. Thomas Hodges, Esq;

Belwin B. Sir Walter Smith, Knt. and

Belwin B. Sir Richard Harding, Knt. both disabled

Belwin B. Feb. 9, 1643, for deserting the Service of

Belwin B. the House, being in the King's Quarters, and

Belwin B. adhering to that Party. *w. i. Jan. 9, 1645.*

Belwin B. Henry Hungerford, Esq;

Belwin B. Edmund Harvey, Esq;

Ludgershall B. William Ashburnham, Esq; expelled Dec. 9,

Ludgershall B. 1641, for being concern'd in a Plot for

Ludgershall B. bringing up the King's Army in the North

Ludgershall B. and over-awe the Parliament. *w. i. eod. Die.*

Ludgershall B. Sir John Evelyn, Knt.

Ludgershall B. *Walter Lang, Esq;* disabled Jan. 27, 1647,

Ludgershall B. on account of a Charge brought against him

Ludgershall B. by Sir Thomas Fairfax and the Army: But

Ludgershall B. this Order was revoked by another of the

Ludgershall B. 8th of Jan, 1648.

Old Sarum. Edward Herbert, Esq; A new Writ was is-

Old Sarum. sued for electing a Burgess in his Place,

Old Sarum. Jan. 29, 1640, being Solicitor-General

Old Sarum. when return'd, but since made Attorney-

Old Sarum. General, and, in that Respect, to sit as an

Old Sarum. Assistant in the Lords House.

Old Sarum. Robert Cecil, Esq; second Son of William

Old Sarum. Earl of Salisbury.

Old Sarum. Sir William Saville, Knt. and Bart. disabled

Old Sarum. Sept. 6, 1642, for neglecting the Service of

Old Sarum. the House, and signing a Petition contri-

Old Sarum. ved

held in *Yorkshire*, and sent up to *Parliament* *Sept. 30, 1645*, and *June 15, 1646*.

Roger Kirkham, Esq; deceas'd. *w. i. Dec. 21, 1646.*

Sir Richard Lucas, Knt. and Bart.

Western-Basset B. c. Edward Poole, Esq;

William Plendergh, Esq; disabled *Feb. 5, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Nov. 1, 1645.*

Edward Massey, Esq; disabled *Jan. 27, 1647*, on account of a Charge brought against him by *Sir Thomas Fairfax* and the Army: But this Order was revoked by another of the 8th of *June, 1648.*

Marlborough B. c. Sir Francis Seymour, Knt. created Baron Seymour of Troubridge, Feb. 19, 1640.

w. i. 25 ejusdem Mensis.

John Franklyn, Esq; deceas'd. *w. i. Nov. 12, 1645.*

c. Philip Smith, Esq;

Charles Fleetwood, Esq;

Worcester B. c. John Wyld, Serjeant at Law.

Humphrey Salway, Esq;

Worcester C. c. John Cowcher, Esq;

John Nash, Esq;

Droitwich B. c. Endimion Porter, Esq; disabled *March 10, 1642. w. i. Nov. 11, 1646.*

a Samuel Sandys, Esq; disabled *August 20, 1642*, for executing the Commission of

Array. w. i. eod. Die, and Nov. 11, 1646.

Edmund Wyld, Esq;

Cal. Thomas Rainsburgh, killed at Donrafter in

his Way to the Siege of Pontefract. w. i. No-

vember 18, 1648.

Nicholas Lechmere, Esq;

Richard Creswell, Serjeant at Law.

William Sandys, Esq; expell'd *Jan. 21, 1640,*

for being a Monopolist. w. i. eod. Die.

John Coventry, Esq; second Son of the late

Lord-Keeper Coventry, disabled Aug. 12,

1642. w. i. eod. Die, and Sep. 12, 1645.

s. Samuel Gardiner, Esq;

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Bewdley B. o. Sir Henry Herbert, Knt, disabled Aug. 20, 1642, for executing the Commission of Array. *w. i. cod. Dic.* also Nov. 11, 1646, and May 10, 1648.

YORKSHIRE. Daniel Dobins, Esq;

r. Ferdinando Lord Fairfax, deccas'd in 1647.
o. Henry Bellasis, Esq; disabled Sep. 6, 1642, for neglecting the Service of the House, and signing a Petition contrived in Yorkshire, and sent up to Parliament. On the 16th of March, 1647, Writs were issued for electing two Knights, but we do not find any Election made.

York C. * Sir William Allanson, Knt.

c. Thomas Hoyle, Alderman.

Kingslan upon Hull. Sir John Lister, Knt. deccas'd.

c. Sir Henry Vane, Knt. jun.

c. † Peregrine Pelham, Esq;

Scarborough B. o. Sir Henry Slingsby, Bart. disabled Sep. 6, 1642, for the same Offence as the last. *w. i. Sep. 12, 1645.*

Henry Benson, Esq; expelled by Vote November 2, 1641, for selling Protections to divers Men that were not his menial Servants, and declared unworthy and incapable of ever sitting in Parliament, &c. *w. i. cod. Dic.* In his Place

William Deerlove, Esq; whose Election was declared void, March 19, 1641, and confirmed by the House.

Thomas Stockdale, Esq;

Scarborough B. o. Sir Hugh Cholmley, Knt, disabled April 3, 1643, for betraying the Trust reposed in him by Parliament, falsifying his Protestation, and revolting to the Popish Army raised against the Parliament. *w. i. Sep. 12, 1645.*

John Hotham, Esq; disabled Sep. 8, 1643, for a Design to deliver up Hull to the King, and beheaded the first of January following. *w. i. Sep. 12, 1645.*

Luke

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Luke Robinsen, Esq;

Sir Matthew Boynton, Bart. deceas'd. w. i.

March 23, 1646.

John Anlaby, Esq;

Ripon B.

o. Sir John Mallory, Knt. disabled Jan. 16, 1642, for appearing in Arms against the Parliament. w. i. Sep. 12, 1645.

o. William Mallory, Esq; disabled Sep. 6, 1642, for neglecting the Service of the House, and signing a Petition contrived in Yorkshire, and sent up to Parliament. w. i. Sep. 12, 1645.

Miles Moody, Esq; deceas'd. w. i. March 15, 1646.

Sir Charles Egerton, Knt.

† Sir John Bourchier, Knt.

Richmond B.

Sir William Pennyman, Bart. disabled Aug. 11, 1642. w. i. eod. Die, and Sep. 25, 1645.

o. Sir Thomas Danby, Knt. disabled Sep. 6, 1642, for neglecting the Service of the House, and signing a Petition contrived in Yorkshire, and sent up to Parliament. w. i. Sep. 25, 1645.

† Thomas Challoner, Esq;

** Francis Thorpe, Serjeant at Law.*

Heydon B.

Sir William Strickland, Knt.

c. † John Allured, Esq;

Boroughbridge B. *† Sir Thomas Mauleverer, Bart.*

c. Sir Philip Stapylton, Knt. disabled Sep. 7, 1647, on account of a Charge brought against him by Sir Thomas Fairfax and the Army. Deceas'd at Calais in August 1647.¹ w. i. Oct. 25, eod. Anno.

Henry Stapylton, Esq;

Thirsk B.

o. John Bellasis, Esq; disabled Sep. 6, 1642, for neglecting the Service of the House, and signing a Petition contrived in Yorkshire, and sent up to Parliament. w. i. September 1, 1645. Created Baron Bellasis of Worlaby, January 27, 1644.

o. Sir

¹ This Gentleman attended only one Day.

¹ See the Note under Sir John Maynard, p. 19.

o. Sir Thomas Ingram, Knt. disabled the same Day, and for the same Offence as the last, *w. i. Sep. 9, 1645.*

|| Francis Lafettes, Esq;

o. Richard Aldburgh, Esq; disabled the same Day, and for the same Offence as the last, *w. i. Sep. 12, 1645.*

o. Sir Robert Strickland, Knt. disabled Jan. 21, 1642, for being in actual War against the Parliament, *w. i. Sep. 12, 1645.*

Thomas Scot, Esq; deceased w. i. March 2, 1647

|| Bryan Stapleton, Esq;

|| James Challoner, Esq;

Beverley B.

o. Sir John Hotham, Knt. and Bart. disabled Sep. 7, 1643, for a Design to deliver up Hall to the King; and beheaded the second of January following, *w. i. Sep. 1, 1645.*

o. Michael Warton, Esq; disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party, *w. i. Sep. 1, 1645.*

s. John Nelthorpe, Esq;

** James Nelthorpe, Esq;*

Pontefract B.

o. Sir George Wentworth of Wooley, Knt. disabled Sep. 6, 1642, for neglecting the Service of the House, and signing a Petition contrived in *Yorkshire*, and sent up to Parliament, *w. i. Sep. 12, 1645.*

o. Sir George Wentworth of Wentworth-Woodhouse, Knt. Brother to the Earl of Strafford, by whom he was knighted in *Ireland* when Lord-Lieutenant there; disabled Jan. 22, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party, *w. i. August 12, 1646.*

Henry Arthington, Esq;

William White, Esq; Secretary to Sir Thomas Fairfax.

Malton B.

o. Thomas Heblethwaite, Esq; disabled November 29, 1644, for having assisted the King's

King's Commissioners of Array. w. i. September 17, 1645.

c. John Wastell, Esq;

c. Henry Darley, Esq;

Allerton B.¹

c. s. Sir Henry Chomley, Knt.

Sir John Ramfden, Knt. disabled for being in Arms against the Parliament at Selby, in April, 1644.

* Richard Darley Esq;

CINQUEPORTS.

Hastings.

c. John Ashburnham, Esq; and

Sir Thomas Eversfield, Knt. both disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party, w. i. September 3, 1645.

s. John Pelham, Esq;

* Roger Gratwick, Esq;

Romney.

Phillip Warwick, Esq; made his Election for Radnor: w. i. Nov. 7, 1640.

Thomas Webb, Esq; expelled Jan. 21, 1641, for being a Monopolist in the sealing of Bonelace. w. i. eod. Dis.

c. s. Sir Norton Knatchbull, Bart.

c. s. Richard Brown, Esq;

Hythe.

c. Sir Henry Hayman, Bart.

c. John Harvey, Esq; deceas'd. w. i. Aug. 21, 1645.

Thomas Westrow, Esq;

Dover.

Sir Peter Hayman, Knt. deceas'd w. i. February 10, 1640.

c. Sir Edward Boys, Knt. deceas'd. w. i. August 11, 1646.

* Benjamin Weston, Esq;

† John Dixwell, Esq;

Sandwich.

c. s. Sir Edward Parteriche, Bart.

Sir Thomas Peyton, Bart. disabled Feb. 5, 1643, for deserting the Service of the House, being

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A

¹ On the 11th of December, 1640, the Commons ordered, That the Towns of Malton and Allerton, which formerly sent Burgesses to Parliament (as appeared to the Committee upon View of Records) should be restored and re-admitted to their ancient Privileges.

Commons Journals.

- being in the King's Quarters, and adhering to that Party. *w. i. Sep. 17, 1645.*
- s. Charles Rich, Esq;*
- Seaford.** *c. s. Sir Thomas Parker, Knt.*
- c. s. Francis Gerrard, Esq;*
- Rye.** *c. s. Sir John Jacob, Knt. expelled January 21, 1640, for being a Monopolist of Tobacco.*
- w. i. eod. Dis.*
- c. s. John White, Esq; disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Sep. 3, 1645.*
- William Hay, Gent.*
- || John Fagg, Esq;*
- Winchelsea.** *c. s. Sir Nicholas Crispe, Knt. expelled Feb. 2, 1640, as a Monopolist for Copperas Stones.*
- w. i. eod. Dis.*
- c. s. Sir John Finch, Knt. was deceas'd in 1644.*
- w. i. Sep. 3, 1645.*
- c. o. William Smith, Esq; disabled. w. i. Sep. 3, 1645.*
- s. Henry Oxenden, Esq;*
- Samuel Got Esq;*
- W A L E S.
- ANGLESEY.** *c. s. John Bodville, Esq; disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Dec. 7, 1646.*
- Beaumaris B.** *c. s. John Griffith, sen. Esq; deceas'd Aug. 10, 1642. w. i. Dec. 7, 1646.*
- s. William Jones, Esq;*
- BRECON.** *c. s. William Morgan, Esq; deceas'd. w. i. June 27, 1649.*
- Col. Philip Jones, elected in February 1649.*
- Brecon T.** *c. s. Herbert Price, Esq; disabled. w. i. Dec. 5, 1645.*
- Lodovicus Lewis, Esq;*

CAR-

^k On the 4th of February, 1640, the Commons resolved, That the Town of Seaford having sent Burgesses to Parliament, in former Times to three several Parliaments, (as appeared by the Records produced at the Committee of Privileges) should be restored to its antient Privilege of sending Burgesses, *Com. Journ.*

CARDIGAN.

o. Walter Lloyd, Esq; disabled *Feb. 5, 1643* for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. June 5, 1646.*

Sir Richard Price, Bart.

Cardigan T.

John Vaughan, Esq; disabled Sep. 1, 1645; and w. i. June 5, 1646.

† Thomas Wogan, Esq;

CARMARTHEN.

o. Sir Henry Vaughan, Kt. disabled. *w. i. February 10, 1645.*

s. John Lloyd, Esq;

Carmarthen T.

o. Francis Lloyd, Esq; disabled *Feb. 5, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Feb. 10, 1645.*

s. William Davies, Esq;

CARNARVON.

o. John Griffith, jun. Esq; disabled *Aug. 10, 1642*, and *w. i. Dec. 7, 1646.*

s. Sir Richard Wynn, Knt.

Carnarvon T.

o. William Thomas, Esq; disabled *Feb. 5, 1643*, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. *w. i. Dec. 8, 1646.*

s. William Foxwist, Esq;

DENBIGH.

c. s. Sir Thomas Middleton, Knt.

Denbigh T.

s. Simon Theloall, jun. Esq;

FLINT.

o. John Mostyn, Esq; disabled *Feb. 5, 1643*, for the same Offence as the last. *w. i. September 11, 1646.*

John Trevor, Esq;

Flint T.

o. John Salisbury, jun. Esq; disabled *Feb. 5, 1643*, for the same Offence as the last. *w. i. Sep. 11, 1646.*

s. Thomas Middleton, Esq;

GLAMORGAN.

Philip Lord Herbert, eldest Son of Philip Earl of Pembroke and Montgomery, succeeded to his Father's Titles in February 1649, but continued to sit as a Member of the House of Commons.

Caerdiff T.

William Herbert, Esq; disabled. He was kill'd at the Battle of Edgehill on the Part

- of the King. *w. i. Dec. 5, and Jan. 21, 1645.*
 || *Algernon Sidney, Esq;*
MERIONETH. *a. William Price, Esq; disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters, and adhering to that Party. w. i. Dec. 8, 1646.*
Roger Pope, Esq; deceas'd. w. i. Aug. 26, 1647.
 † *John Jones, Esq;*
MONTGOMERY. *o. Sir John Price, Bart. disabled October 20, 1645, for deserting the Parliament, and adhering to the Enemy's Party. w. i. November 11, 1646.*
s. Edward Vaughan, Esq;
Montgomery T. *o. Richard Herbert, Esq; disabled Sep. 12, 1642, for putting the Commission of Array in Execution in the County of Salop. w. i. Nov. 11, 1646.*
George Devereux, Esq;
PEMBROKE. *John Wogan, sen. Esq; was deceas'd in 1644. w. i. Dec. 5, 1645.*
s. Arthur Owen, Esq;
Pembroke T. *c. Sir Hugh Owen, Knt.*
Haverford-West. *o. Sir John Stepney, Bart. disabled. w. i. September 25, 1645.*
s. Sir Robert Needham, Knt.
RADNOR. *o. Charles Price, Esq; disabled. w. i. March 19, 1646.*
Arthur Annesley, Esq;
Radnor T. *v. Philip Warwick, Esq; disabled Feb. 5, 1643, for deserting the Service of the House, being in the King's Quarters and adhering to that Party. w. i. Jan. 21, 1645, and March 19, 1646.*
s. Robert Harley, Esq;

Thus much for the Names of the Lords and Gentlemen that constituted this Parliament: Proceed we now to our Account of their Transactions.

The

DIRECTIONS to the BOOKBINDER.

The Signatures of the Ninth Volume run thus, a, b, c, d, A, B, &c. This Volume ends with a single Leaf I i, which is printed with H h of the Twelfth Volume.

In the Tenth Volume cancel p. 43, 4, and 101, 2; also p. 167, 8, 9; 170, 1, 2, 3, 4, 5, 6; but these last ten Pages make now only six, and are therefore paged thus, 167, 8, 9, 172, 3, 6. All the Leaves for supplying them are printed in the same Sheet with this Direction, which you are to cut off and throw away, after you have put in the Cancels. Cancel likewise in this Volume p. 213, 14, and the Leaf to supply it is printed with L l.

In the Eleventh Volume p. 441, 2, 3, and 4, are to be cancelled, instead of which place three Leaves that are printed with H h.

In the Thirteenth Volume cancel p. 45, 6, and the Leaf to supply it is printed with K k.

The King being come to the House of Lords, An. 16. Car. I. and seated on the Throne, his Majesty signified his Reasons for calling this Parliament, in the following Speech: 1640.

My Lords,

THE Knowledge I had of the Designs of my Scots Subjects, was the Cause of my calling the last Assembly of Parliament; wherein, had I been believed, I sincerely think that Things had not fallen out as now we see. But it is no Wonder that Men are so slow to believe, that so great a Sedition should be raised on so little Ground. But now, my Lords and Gentlemen, the Honour and Safety of this Kingdom lying so near at Stake, I am resolved to put myself freely and clearly on the Love and Affection of my English Subjects; as those of my Lords that waited on me at York may very well remember I there declared.

Therefore, my Lords, I shall not mention mine own Interest, or that Support I might justly expect from you, till the common Safety be secured; tho' I must tell you, I am not ashamed to say, those Charges I have been at, have been meerly for the Security and Good of this Kingdom, tho' the Success hath not been answerable to my Desires. Therefore I shall only desire you to consider the best Way, both for the Safety and Security of this Kingdom; wherein there are two Parts chiefly considerable, First, The chasing out of Rebels; and, Secondly, That other in satisfying your just Grievances; wherein I promise you to concur so heartily and clearly with you, that all the World may see my Intentions have ever been, and shall be, to make this a glorious and flourishing Kingdom. There are only two Things that I shall mention to you; the one is to tell you, That the Loan of Money which I had lately from the City of London, (wherein the Lords that waited on me at York assisted me) will only maintain my Army for two Months, from the Beginning of that Time it was granted. Now, my Lords and Gentlemen, I leave it to your Consideration, what Dishonour and Mischief it might be, if, for want of Money, my Army be disbanded before

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the Rebels be put out of this Kingdom. Secondly, The securing against the Calamities the Northern People endure at this Time, and so long as the Treaty is on foot. And in this, I say, not only they, but all this Kingdom will suffer the Harm; therefore I leave this also to your Consideration. For the ordering of these great Affairs, whereof you are to treat at this Time, I am so confident of your Love to me, and that your Care is for the Honour and Safety of the Kingdom, that I shall freely and willingly leave it to you where to begin: Only this, that you may the better know the State of all the Affairs, I have commanded my Lord Keeper to give you a short and free Account of those Things that have happened in this Interim; with this Protestation, That if this Account be not satisfactory, as it ought to be, I shall, whensoever you desire, give you a full and perfect Account of every Particular. One Thing more I desire of you, as one of the greatest Means to make this a happy Parliament, That you, on your Parts, as I, on mine, lay aside all Suspicion one of another; for, as I promised my Lords at York, It shall not be my Fault, if this be not a happy and good Parliament.

The King having ended his Speech, John Lord Finch, Lord Keeper of the Great Seal, made the following Speech:

My Lords, and you the Knights, Citizens, and Burgeses of the House of Commons,

And the Lord
Keeper's.

YOU have been summoned by his Majesty's gracious Writ, under the Great Seal of England, and you are here this Day assembled for the holding of a Parliament. The Writ tells you, 'Tis to treat and consult of the high, great, and weighty Affairs that concern the State and Safety of the Kingdom. It tells you true; for, since the Conquest, never was there a Time that did more require, and pray for the best Advice and Affection of the English People. It is ill viewing of Objects, by viewing them in a multiplying Glass; and it is almost as mischievous in the Species of such

such a broken Glass, which represents but to the
 Half. The only and the perfect Way is to look
 in a true Mirror. I will not take upon me to
 be a good Looker in it: I will only hold it to
 you to make use of it.

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 1640.

The Kingdom of *England* is this multiplying
 Glass; you may there see a State which hath
 flourished for divers hundred Years, famous in
 Time of Peace and War, glorious at home, and
 ever considerable abroad; a Nation to whom
 never yet any Conqueror gave new Laws, nor
 abolished the old; nor would this Nation ever
 suffer a Conqueror to meddle with their Laws,
 no not the *Romans*; who yet, when they sub-
 dued all the People, made it Part of their Con-
 quest to lead their Laws in triumph with them.
 For the *Saxons*, *Danish*, and the *Normans*, if this
 were a Time to travel in such Particulars, it
 were an easy Task to make it appear, that they
 never changed the old established Laws of *En-
 gland*, nor ever brought in any new; so that
 you have the Frame and Constitution of a Com-
 mon-Wealth made glorious by Antiquity. And
 it is with States, as with Persons and Families,
 certainly an uninterrupted Pedigree doth give
 Lustre. It is glorious in the whole Frame, worth
 your looking upon long, and your Consideration
 in every Part.

The King is the Head of the Common-Wealth,
 the Fountain of Justice, the Life of the Law;
 he is *Anima & Delicia Legis*. Behold him in the
 happy Times, that we have so long lived under
 his Monarchical Government.

For his Excellent Majesty, that now is, our
 Most Gracious Sovereign, you had need wipe the
 Glass, and wipe your Eyes, and then you shall
 truly behold him a King of exemplary Piety and
 Justice, of rare Endowments and Abilities of
 Nature: And what he hath got by Acquisition,
 Depth of Judgment, Quickness of Apprehension,
 unparell'd Moderation in great Councils and
 great Affairs, such as you, my Lords, that had

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the Happiness to attend him at the Council of Peers at York, to our great Joy and Comfort can witness, and After-ages will remember, to his eternal Honour and Fame.

For his just and pious Government I dare boldly say, That if any under him, as an Instrument, who have had the distributing of Justice to his People, have not done as they ought, the Fault is their own; and they have done contrary to the Royal Nature and express Command of our Gracious Sovereign, from whom I have often learned this golden Rule and Maxim, *He serves me best, that serves me with Honesty and Integrity.*

Behold him in another Part of himself, in his dearest Consort, our gracious Queen, the Mirror of Virtue; from whom, since her happy Arrival, now after three Lustres of Years, never any Subject received other than gracious and benign Influence: And I dare avow, as she is nearest and dearest to our Sovereign, so there is none, whose Affections and Endeavours (his Majesty only excepted) have, or do, or can co-operate more to the happy Success of this Parliament, and the never-to-be-equall'd Joy and Comfort of a right Understanding between the King and his People.

Behold him in his best Image, our excellent young Prince, and the rest of the Royal and Lively Progeny, in whom we cannot but promise to ourselves to have our Happiness perpetuated.

From the Throne, turn your Eyes upon the two Supporters of it; on the one Side, the Stem of Honour, the Nobility and Clergy; on the other Side, the Gentry and Commons.

Where was there, or is there in any Part of the World, a Nobility so numerous, so magnanimous, and yet with such a Temper, that they neither eclipse the Throne, nor over-top the People, but keep in a Distance fit for the Greatness of the Throne?

Where was there a Common-Wealth so free, and the Ballance so equally held as here? And
certainly

‘ certainly so long as the Beam is duly held, it can- An. 16. Car. I.
 ‘ not be otherwise. In right Angles, if you turn 1640.
 ‘ the Line never so little, it groweth quickly
 ‘ acute or obtuse ; and so in States, the least De-
 ‘ viation makes a great Change : But his Majesty’s
 ‘ great Wisdom and Goodness, and the Assistance
 ‘ of this Honourable Assembly, I do not doubt,
 ‘ will be a Means to make us so steer between the
 ‘ Tropicks of Moderation, that there be no De-
 ‘ cension from the Pole of Security.

‘ I am, by his Majesty’s Command, to relate to
 ‘ you some Proceedings since the last Assembly
 ‘ here.

‘ You may remember, the Summer preceding
 ‘ this last, his Majesty went with an Army into the
 ‘ North, engaged in Honour so to do, by reason
 ‘ of the Courses that were taken by divers of the
 ‘ Subjects of *Scotland*, to the Prejudice of Mo-
 ‘ narchy, and rendering less glorious this Kingdom.
 ‘ I know not under what Pretence, but at that
 ‘ Time they came very near *England* with an Ar-
 ‘ my, so that it was believed they would have then
 ‘ entered and invaded the Kingdom. They did
 ‘ profess the contrary, neither did they want Re-
 ‘ monstrances and Declarations to infuse this Opi-
 ‘ nion into the Hearts of his Majesty’s People, be-
 ‘ fore it could appear by the Effects, what their
 ‘ Intentions from the Beginning were. His Ma-
 ‘ jesty, by his Goodness and Wisdom, settled a
 ‘ Peace, and made a Pacification at *Berwick*, upon
 ‘ which both Armies were disbanded ; which Pa-
 ‘ cification, and every Article of it, his Majesty,
 ‘ on his Part, hath been so far from violating, that
 ‘ whensoever any Question shall be made of it, it
 ‘ shall plainly and clearly appear, that it was his
 ‘ Care to see it in all Things performed. On the
 ‘ contrary, those Subjects of his, not contented
 ‘ with that Grace which his Majesty then gave
 ‘ them in those Articles of Pacification, have not
 ‘ only strained them beyond the Bounds and Li-
 ‘ mits of the Intention and Meaning ; but they
 ‘ have over and above attempted, and acted divers

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Things so prejudicial to Monarchy, and contrary and repugnant to the Law, and settled Constitution, and Usage of that Kingdom, that his Majesty could not in Honour connive at it.

This being made known unto his Majesty, and to his Privy Council, by those who best knew the State and Affairs of that Kingdom, and that were most trusted and employed by his Majesty; his Majesty, by the unanimous Consent of his Privy Council, resolved to raise an Army to reduce them to a modest and just Condition of true Obedience and Subjection, to defend this Kingdom from all Damage and Danger, that, by their Means, how speciously soever they shadow their Pretences, might fall upon it.

His Majesty then foresaw and foretold, that tho' the raising of an Army at this Time, was but to stand upon their own Defence, as they professed, yet they had an Intention to enter this Kingdom, and to seize upon some Place of Importance and Eminency; and his Majesty, in particular, named *Newcastle*.

Had his Majesty then had Means and Money, as well as he had certain Knowledge of their Intentions, I do believe that these Calamities that have fallen upon that Town, and the Counties adjoining, had been prevented. Perhaps the Misinterpretation of his Majesty's Intentions, and the Misunderstanding of his Actions, and, I am afraid, the too benign Interpretation of the Attempts, Actions, and Professions of the Subjects in *Scotland*, added some Impediment to that which the most of us, I hope, have lived to repent of.

His Majesty, howsoever, went in Person to the North, to see his Army ordered, and to take Care for the Safety and Defence of this Kingdom, as much as he possibly could. He had not long been there, but that which he foresaw and foretold fell out: For the *Scots* passed, with their Army, the Rivers *Tweed* and *Tyne*, and seized upon *Newcastle*; which of what Importance it is, you all know;

know; and then they forced Contribution of the County of *Northumberland*, and the Bishoprick of *Durham*, besides many other Spoils and Destructions that were committed.

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His Majesty well considering of what Weight and Importance this was, and then having neither Time nor Place to call this Assembly of Parliament, he did resolve, as had been frequently used, to summon a great Council of all the Peers; that, by their Advice and Assistance, there might be some Interruption given to the Calamity that was likely to spread over the whole Kingdom; and commanded Writs to issue out accordingly.

This was not done to prevent, but to prepare for a Parliament. It was not to clash or interfere with this Assembly, by acting or ordering any Thing which belongeth to this high and supreme Jurisdiction; but only to give their Assistance for the present, to render Things more fit for this great Assembly.

That his Majesty's Intentions were so, is clear; for before ever any Petition was delivered, or ever any Speech or Petition for a Parliament, his Majesty had resolved to call one.

The Lords understood it so, as will plainly appear by the Proceedings of that Assembly; of which, if those that were Officers and Ministers there, had been come to Town, upon whose Help I rested for my particular Instructions, I should have been better able to have given you an Account; and his Majesty was pleased to let you know, That when there was an Occasion of any Particular, you may be satisfied in it.

According to his Majesty's Command, on the 24th of *September*, all the Peers that were summoned, except some few, did meet; where his Majesty was, in the first Place, pleased to declare unto us his Resolution to call a Parliament; and to all our Joys and Contents, as he hath now done it to yours and ours, declared, *That there was nothing he did more desire than to be rightly understood of his People*: And whosoever he be that shall

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‘ shall go about (effect it I am sure he cannot) to attempt or endeavour to alter this gracious Declaration and Resolution of his Majesty; or who-soever shall go about to poison the Hearts of his good Subjects, with an Opinion that it cannot be so, or lessen the Affection of his loving Subjects (for certainly never Subjects of the World better lov’d their King than the *English*, nor ever did *Englishmen* better love a King than now) if, I say, there be any such, may a Curse and Punishment fall upon them; but let the Royal Throne be established for ever.

‘ His Majesty was then pleased to tell us the Cause for which he had called us together.

‘ In the first Place, it was touching an Answer to a Petition that had been, since his coming to *York*, and before his assembling the Lords, sent unto him from those his Subjects of *Scotland*, that were at *Newcastle*.

‘ The first Thing that his Majesty desired their Advice in, was the Answer to that Petition.

‘ The next Thing his Majesty conceived, and all that were there were of one Opinion, with one Voice and Consent, That it was not fit his Majesty should disband his Army so long as the *Scots* Army was on foot; and his Majesty wished them to take into Consideration, what Way to have Maintenance for his Army in the mean Time.

‘ His Majesty having open’d the Cause of calling them together, was pleased to express himself, That he would leave to the Lords their Freedom of Debate, and Himself was ready to have gone from the Council; but, at the humble Suit of the Lords, he staid; and I am persuaded, that nothing was of that Joy to them, as his Majesty’s Presence; with such Freedom of Discourse did every Man deliver himself, with such Grace and Sweetness did his Majesty hear them, and such Content did they take in his moderating, guiding, and directing those Councils.

‘ My

My Lords, as holding it most necessary, took the latter of these two Considerations propounded by his Majesty, into their Thoughts, and that was the supplying and supporting his Majesty's Army, till this Parliament might take some Course in it. His Majesty and my Lords did declare themselves, as before I have opened unto you, *That they could never attempt, nor had the least Thought to make, by any Act or Order, any Thing tending to charge the Subject; but that it might be left wholly to the supreme Jurisdiction*; and therefore not seeing any other Way, they resolved by Letters to address themselves to the City of London; and with their Letters they sent half a Dozen of my Lords, viz. my Lord Privy-Seal, my Lord of *Clare*, who was appointed to go, but his urgent Occasions prevented him, Viscount *Cambden*, Lord *Coventry*, Lord *Goring*, and **** (a). And as these Lords did express the Joy and Content they took in the King's Grace, so the Confidence they had of his gracious Assistance was such, that they did freely offer themselves (and, as I dare say there is none but is yet ready) to enter into Security with his Majesty. And the City gave an Answer fit for the Chamber of a King, and part of the Money is already lent, and they will be ready, I assure myself, to supply the rest.

For the other Part, the first Thing propounded by his Majesty, was touching the Answer to be given to that Petition, and to the Demands of the Subjects in *Scotland*; upon which Occasion his Majesty was pleased, by those great Officers and Ministers of his that knew best, and understood the Laws and Usages of that Kingdom, to expound their Demands particularly; and to make appear unto their Lordships, upon every one, wherein they had exceeded the Articles of Pacification, which his Majesty ever desired might be the Square and Rule of the Treaty with them.

My Lords took into Consideration what was fit to be done; for his Majesty then professed, as

(a) *Hiatus in Orig.*

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he did often during the Time of that Council, to be wholly ruled, guided, and directed by their Advice: For the Honour of this Nation, and Safety of it, he did leave it to their Wisdoms and Considerations; against whose Advice, and without whose Judgment and Advice, he would do nothing.

My Lords, howsoever they had received this Information, and Explanation upon every Particular of their Demands, yet, in Justice, they thought it was fit to hear what could be said on the other Side, how the Objections might be answered, and what Objections might be made by them against that which seemed to be plain enough. For this Purpose they were all of Opinion, and his Majesty was pleased to be of the same Opinion, That some Lords, selected and trusted by that great Council, should treat with those Subjects of *Scotland* upon all those Particulars, to the end that they might see what they did clearly intend; that so a firm Peace, which was most desired from us, might be had, or a just War be begun.

My Lords of the Great Council that were appointed for that Purpose, were the Earls of *Bedford*, *Hertford*, *Essex*, *Salisbury*, *Warwick*, *Bristol*, *Holland*, and *Berkshire*; the Barons were the Lords *Wharton*, *Paget*, *Kimbolton*, *Brook*, *Pewlet*, *Howard of Eserick*, *Seville*, and *Dunsmore*.

After which Choice, and some general Instructions proceeding from the Debate and Discourses in that great Council, a Commission under the Great Seal was given unto them, to enable them to treat and conclude as they, in their Wisdoms and Judgments, should think fit.

The Place appointed for this Treaty was at *Ripon*, where the Lords Commissioners wanted the Happiness of that, which they and we had at *York*, his Majesty's Presence; and that might be the Occasion that more Time was spent in it, than otherwise would have been: Yet my Lords omitted not their Parts, but were desirous to look
into

into the Depth, to see the utmost Extent of their Demands. An. 16. Car. 1. 1640.

But before those of *Scotland* could come to the main Treaty, to explain themselves touching their Demands, they made a preparatory Demand for Maintenance for their Army, and did go so high as to demand 40,000 *l.* a Month. My Lords (that were very unwilling to do any Act, or make any Order whatsoever, as I have opened unto you, for the Sustenance, Maintenance, and keeping a-foot his Majesty's Army, without this great Assembly, which yet they all held fit should not be disbanded) were much startled at the Demand of Maintenance for an Army which was not the King's, and which they did wish could not continue.

But my Lords, as under that Name they could not hear it, yet they took into Consideration the miserable Condition of *Northumberland*, *Newcastle*, and the Bishoprick of *Durham*; they took into Consideration too the Counties of *Cumberland* and *Westmoreland*; which, if the *Scots* Army should enter, were scarce able, at this Time, to defend themselves, and it was inconvenient to bring the King's Army thither.

Nay, their Lordships were satisfied, that the County of *York* was in Danger, and that not to be prevented, but by a Battle, if the *Scots* came on with an Army: And my Lords were loath, where there were such Odds, that a Battle should be adventured. And if the County of *York* should be in Danger, we might quickly foresee how the Danger might run over the whole Kingdom.

And my Lords, as well those that remained at *York*, as those at *Ripon*, having received Complaints from the Bishop of *Durham*, and from *Northumberland* and *Newcastle*; and the Mayor of *Newcastle* being imprisoned, and some of his Brethren (as was represented unto them) kept without Fire or Candle; and having heard of divers Wastes and Spoils done in the Country, my Lords did think fit, That since the County of

North-

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Northumberland, the Bishoprick of *Durham*, and *Newcastle*, had already made a Composition and Agreement, that they would at least ratify and confirm the Composition and Agreement, so as there might be a Cessation of Arms and Acts of Hostility, and that they which had fled from their Dwellings in those Counties, might return in Safety; my Lords, for these Reasons, thought fit, at present, to give way unto them, rather than to hazard so great Calamity and Affliction as would have fallen on those Counties: Hereupon they did conclude for 850 *l. per Diem*; and this to continue for two Months, if the Treaty before took not Effect; the two Months to begin from the 16th of *October*: Then they took Articles for the Cessation of Arms.

So now, the State and Condition of Things, as they were acted, I have shortly and summarily delivered to you: I dare not venture on too many Particulars, lest my Memory should fail; and if I have not done his Majesty's Command, I beg his Majesty's Pardon.

And, my Lords, of what Weight and Importance this is to the whole Kingdom, what deep Consideration it requires in our Affection, what unsuspected Affections we had need bring with us, is easy to judge.

It is his Majesty's Pleasure, That you of the House of Commons repair to your own House, to chuse your Speaker, whom his Majesty expects you will present to him on *Thursday* next, at Two of the Clock in the Afternoon.

William Lenthall, Esq; elected Speaker.

Nov. 5. The Commons presented *William Lenthall*, of *Lincoln's Inn*, Esq; for their Speaker; who, with the usual Ceremonies, was approved of by the King, after which he made the following Speech:

Most Gracious and Dread Sovereign,

His Speech to the King on that Occasion.

IN all submissive Humbleness the Knights, Citizens, and Burgesses of the House of Commons are here assembled; who, taking along with them

‘ them your gracious Inclination, have design’d me
‘ their Speaker, according to their antient Liberties. An. 16. Car. I.
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‘ Whereas I cannot but lament to think, how
‘ great a Mist may overcast the Hopes of this Ses-
‘ sion; yet it is a Note of Favour to me, who
‘ cannot but judge myself unfit for so great an
‘ Employment, and which appears so to the whole
‘ World.

‘ Many there be of deep Judgment, and great
‘ Experience, that might have added Lustre to
‘ this Action, and Expedition to the Work, if they
‘ had pleased to have left me in that mean Condi-
‘ tion they found me;

Non mihi tacuisse nocet, nocet esse locutum.

‘ and then might your sacred and pious Intentions
‘ have had their full Advancement.

‘ But is it yet too late? May I not appeal to
‘ *Cæsar*? Yes, I may; and, in the lowest Posture
‘ of Humility, I humbly beseech your Sacred Ma-
‘ jesty to interpose your Royal Authority to com-
‘ mand a Review of the House, for there were
‘ never more than now fitted for such Employ-
‘ ments.

‘ Then my Lord Keeper, by his Majesty’s Direc-
‘ tion, approved of him and the Commons Choice;
‘ upon which he proceeded thus:

‘ It pleaseth not your Majesty to vouchsafe a
‘ Change: Actions of Kings are not to be by me
‘ reasoned.

‘ Therefore, being emboldened by this gracious
‘ Approbation, give me Leave a little, dread So-
‘ vereign, to express my Thoughts unto our graci-
‘ ous Lord the King.

‘ I see before my Eyes the Majesty of *Great Bri-
‘ tain*, the Glory of Times, the History of Ho-
‘ nour, *Charles I.* in his Fore-front, placed by De-
‘ scent of antient Kings, settled by a long Succes-
‘ sion, and continued to us by a pious and peaceful
‘ Government.

‘ On

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Ab. 16. Car. 1.
1640.

On the one Side, the Monument of Glory, the Progeny of valiant and puissant Princes, the Queen's Most Excellent Majesty.

On the other Side, the Hopes of Posterity, the Joy of this Nation, those Olive Branches set round your Tables, Emblems of Peace to Posterity.

Here shine those Lights and Lamps placed in a Mount, which attend your sacred Majesty as supreme Head, and borrow from you the Splendor of their Government.

There the true State of Nobility, Figures of Prowess and Magnanimity, fitted by the long contracted Honour in their Blood, for the Council of Princes.

In the Midst of these, the Reverend Judges, whither both Parties (as to the Oracles of Judgment and Justice) may resort: Cisterns that hold fair Waters; wherein each Deviation, each Wrinkle is discernable; and from whence, as from the Center, each crooked Line ought to be levelled: The Foot-stool of your Throne is fixed there, which renders you glorious to all Posterity.

Here we the Knights, Citizens, and Burgeses of the Commons House, at your Royal Feet, contracted from all Parts of your Kingdom, Ensigns of Obedience and Humility; all these united by the Law equally distributed, which cements this great Body to the Obedience of your Sacred Majesty, and compels as well the Hearts as the Hands, to contribute for the Preservation of your Majesty and the common Interest; dissipates the Invaders of the Church and Common-Wealth, and discovers the Impostors; but, give me Leave, dread Sovereign, knits the Crown to the sacred Temples, and frees Majesty from the Interpretation of misdoing. Amongst these, this great Council is most sovereign against the Distempers of this Nation.

Were they infested at Sea, troubled at home, or invaded from abroad, here was the Sanctuary
of

of Refuge; hither was the Resort; and no other An. 16. Car. I.
Way found for a Foundation of Peace. 1640.

It is reported of *Constantine the Great*, That he accounted his Subjects Purse his Exchequer: And so it is. Subtle Inventions may pick the Purse, but nothing can open it but a Parliament, which lets in the Eye of Sovereignty upon the public Maladies of the State, and Vigilancy for the Preservation of our antient Liberties. For this we need not search into Antiquity; if we look but a little back, there we shall see our just Liberties graciously confirmed by your Most Sacred Majesty.

And is our Happiness shut up in the Remembrance of Times past only? No; those gracious Expressions lately fallen from your Sacred Lips, as Honey from the Comb, make glad the Hearts of your People.

So that now we do more than promise to ourselves a large and free Consideration of the Ways to compose the Distempers of these Kingdoms, and then present them to your Royal Hands for Perfection.

And such shall be our Deportment, that as we shall labour the Continuance of our Liberties, so shall we carry a high Regard to preserve that Sovereign Power, wherewith your Majesty is invested for the Preservation of your Kingdom, and to render your Sacred Majesty terrible to the Nations abroad, and glorious at home.

Are these the Fruits we have enjoyed by Parliaments? We cannot then but wonder at that horrid Invention in this Place projected, *Monstrum horrendum, informe, ingens*; but the Lord be thanked, *cui Lumen ademptum est*. Can this receive a Palliation? Men, Fathers, and Brethren, and all at one Blast! No Reverence to sacred Bones of Princes! Were we not all in a Lump by them intended to be offered up to *Molech*?

Let us never forget this Day's Solemnization. But whither! It is too much Boldness to presume longer upon your Majesty's Grace and Goodness; and

An. 16. Car. I. and therefore, for the better Expedition of this
1640.

Service, we humbly desire,

1st, That ourselves and Servants may obtain

Freedom from Arrest of their Persons and Goods.

2^{dly}, That we may have free Liberty of Speech,

without Confinement, with a full and free De-

bate.

3^{dly}, That your Majesty will vouchsafe our

Repair to your Sacred Person, upon Matters of

Importance, according to the antient Privileges

of the House.

That with such Alacrity we may now proceed

to manifest to the World, that our Retirements

were to reinforce a greater Unity and Duty; and

to endeavour a sweet Violence, which may com-

pel (pardon, dread Sovereign, the Word *compel*)

your Majesty to the Love of Parliaments. And

God will have the Honour; your Sacred Maje-

sty, the Splendor; the Kingdom, Safety; and

all our Votes shall pass, That your Sacred Ma-

jesty may long, long, long reign over us, and let

all the People say, *Amen.*

The Commons being withdrawn, the King again
spoke to the Lords, in particular, in these Words:

My Lords,

The King's
Speech to the
Lords.

I DO expect that you will hastily make Relation to
the House of Commons of those great Affairs, for
which I have called you hither at this Time; and
also the Trust I have reposed in them, and how free-
ly I put myself on their Love and Affections; and that
you may know the better how to do so, I shall explain
myself as concerning one Thing I spoke the last Day:
I told you the Rebels must be put out of this Kingdom;
'tis true I must needs call them so, so long as they have
an Army that doth invade us; and altho' I am under
Treaty with them, and under my Great Seal do
call them my Subjects; for so they are too. But the
State of my Affairs in short is this; it is true I did ex-
pect, when I called my Lords and Great Ones at York,
to have given a gracious Answer to all their Grie-
vances;

vances; for I was in good Hopes, by their Wisdoms An. 16. Car. I.
and Assistances, to have made an End of that Business; 1640.
but I must tell you, that my Subjects of Scotland did
so delay them, that it was not possible to end there.

Therefore I can no ways blame my Lords that were
at Ripon, that the Treaty was not ended; but must
thank them for their Pains and Industry; and cer-
tainly had they as much Power as Affections, I should,
by that Time, have brought these Distempers to a
happy Period: So that now the Treaty is transported
from Ripon to London; where I shall conclude no-
thing without your Knowledge, and, I doubt not, but
by your Approbation; for I do not desire to have this
great Work done in a Corner. I shall open all the
Steps of this Misunderstanding, and Causes of this
great Difference between me and my Subjects of Scot-
land; and I doubt not, by your Assistance, to make
them know their Duty, and to make them return,
whether they will or no.

In order to set the Proceedings of both Houses
in a clearer Light, we shall give the Preference to
those of the Commons; since all or most of the
material Articles had their Beginning in that House;
subjoining, from Day to Day, the Proceedings of
the Lords, as they concurred with the others, or
started any new Matter of themselves. By these
Means the Reader will, at one View, see into both
Houses, without any needless Repetitions.

Nov. 6. The Commons resolved to move the
Lords to join with them in a Petition to his Ma-
jesty to appoint a Day for a Fast. Several Com-
mittees appointed, viz. for Privileges, for Elections, The Commons
for Religion, for Grievances, for Courts of Justice, appoint several
Committees.
for Trade, and for Irish Affairs. This last was
debated, whether it should be referred to a Com-
mittee of the whole House, or a select one: On a
Division, it was carried for the former, 165 against
152. In all 317 Members in the House at that Time.

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Ab. 16. Car. I.
1640.

Nov. 7. A Resolution passed, 'That Mr. Henry Burton, Dr. John Bastwick and Mr. Prynne shall be sent for forthwith, by Warrant of the House; and withall to certify by whose Warrant and Authority they were detained.'

This Affair of Mr. Burton, Dr. Bastwick, and Mr. Prynne will be taken Notice of in the Sequel.

A Fast appointed, &c.

Nov. 9. A Day for a solemn Fast, with the Consent of the King, appointed. The next Lord's Day, commonly called Sunday, after the Fast, ordered for all the Members to receive the Sacrament on. A select Committee to see this punctually obeyed, and to take Care that no *Papist* sit amongst them: To inquire what Number of *Papists* are in London, and ten Miles round it, and how arm'd, &c. Some Petitions from different Counties, complaining of Grievances, read. *Projectors* and *Monopolists* enquired after.

The same Day the Lord Keeper signified to the Lords, 'That his Majesty, taking Notice at this Time, of an extraordinary Confluence of *Popish Recusants* to the Cities of London and Westminster, and the Places adjacent, hath been graciously pleased, for preventing all Inconveniences that may thence arise, to resolve of setting forth a Proclamation for their Departure, and disarming with all Speed. Also, that because his Majesty had been informed some Jealousies had grown on his making a Constable of the Tower, and putting in a Garrison there; which he did in favour of the City, to prevent the Insolencies of base and loose People, his Majesty had resolved that it should be left as before, without any Constable or Garrison.'

Proceedings of the Lords relating to the searching the Studies and Pockets of two Peers.

November 10. Nothing of Moment done in the House of Commons; but, in the Lords, an Affair of Consequence happened. A Motion was made in that House, 'That whereas two Lords of this High and Honourable Court have had their Studies and Pockets searched for Papers, Consideration might be had, whether it be not a Breach of Privilege; especially it being done soon after the Dissolution

solution of the last Parliament, and within the Time of Privilege of Parliament (b). Upon this the Earl of *Warwick* and the Lord *Brooke* were appointed by the House to declare the Manner of it; and, after their Lordships had made a full Relation of it, it was agreed, That Sir *William Beecher* should appear at the Bar of the House, as a Delinquent, untill he produced his Warrants and cleared himself.

An. 16. Car. I.
1640.

The same Day Sir *William Beecher* was brought to the Bar, by the Gentleman Usher; when the Lord Keeper demanded of him, By what Warrant or Direction he did search and carry away the Papers of the aforesaid Peers, &c. Sir *William* answered, That he was a Clerk of his Majesty's Privy Council, and sworn to his Majesty's Service; and therefore desired their Lordships would give him Leave to acquaint the King with it before he answered. Being ordered to withdraw, the Lords, after much Debate, had him called in again; when the Lord Keeper was directed again to ask him to shew his Warrant, and blamed him for naming the King in the Business, no such Thing being asked him: But he still refused to give a direct Answer till the King was made acquainted with it.

Upon this he was again ordered to withdraw; and, after more Consideration, he was called in, when the Lord Keeper told him, That the Lords did take him to be the chief Actor of the Fact, and were resolved to proceed against him as the Principal; and, accordingly, to inflict Punishment upon him, unless he then shewed by what Warrant he did it. His Answer was much the same as before; and added, That he must do his Duty to his Majesty, and suffer what their Lordships pleased to lay upon him.

The Lords were, upon this, much puzzled what to do with him; and, Sir *William* being once more commanded to withdraw, they came to this Resolution, 'That Sir *William Beecher* hath endeavour-

C₂

(b) See Vol. VIII. p. 439.

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An. 16. Car. 1.
1640.

ed to interest the King in this Matter, and hath not dealt clearly or fairly with them; the Earl of *Warwick* and Lord *Brooke* having both affirmed, That they did see Warrants in his Hands, sign'd by the Secretaries of State; and therefore it aggravated his Offence in using his Majesty's Name, when he might have put it upon the Secretaries. It was therefore ordered, That Sir *William Beecher* should stand committed for the said Offence.

But that Course seeming dangerous to commit one of the King's Servants, the Lords thought proper to try him once again; and he was called in and interrogated on the four following Questions:

1. *Whether he did search the Studies and Pockets of the Earl of Warwick and the Lord Brooke?*
2. *Whether he did not shew the Warrants to the said Lords?*
3. *What Names were subscribed to the Warrants?*
4. *Where those Warrants are?*

Upon which, and being threatened with Commitment for Contempt, Sir *William* confessed all, and that the Warrants were in his Custody, sign'd by the two Secretaries of State. It was ordered, That the Gentleman Usher should go along with him, but not suffer any one to speak to him, going or coming to the House. Being returned, the Warrants were produced and read, when they appeared signed by Sir *Francis Windebanke* and Sir *Henry Vane*, both Secretaries of State. And it was thought proper, for giving the House so much Trouble, to commit Sir *William* to the *Fleet*.

But these two Secretaries being both Members of the House of Commons, the Lords sent a Message to that House to desire a Conference, to acquaint them with the Business; and that, in the Warrants, sign'd as aforesaid, there was no particular Act specified; but before they proceeded to seek Reparation for this Injury done to the two Lords, they thought fit to acquaint the Commons with it, in order to keep up the good Correspondency and Respect between the two Houses.

Yet,

Yet, tho' the Conference was held, and the Com-
mons made acquainted with the Business, nothing
further was done in it; and, two Days after, Sir
William Beecher, on his humble Petition to the
Lords, acknowledging his Error, &c. was released
from his Imprisonment, much higher Matters be-
ing now getting ready to employ the Time of both
Houses of Parliament.

An. 16. Car. I.
1640.

Nov. 11. An Affair of great Concern came be-
fore the Commons this Day. Orders were given
that no Member should go out, the outward Doors
to be locked; when two Judges, *Bramstone* and
Foster, brought a Message from the Lords to the
Commons, importing, 'That the King had com-
manded the Lords who were Commissioners to
treat with the Scots at *Ripon* and at *York*, to give an
Account to both Houses of Parliament of what had
passed between them: And, to that Purpose, the
Lords desired a Meeting, by a Committee of both
Houses, at Three o'Clock that Afternoon.'

Answer. 'That this House had some very
weighty and important Business before them at that
Time, therefore they could not attend their Lord-
ships that Afternoon; but, as soon as they could,
they would send to them by Messengers of their
own.'

The same Day it was resolved, upon the Que-
stion, 'That a Message be sent from this House to
the Lords, to accuse *Thomas Lord Wentworth*, Earl
of *Strafford*, Lord Lieutenant of *Ireland*, of High
Treason; and to desire that he may be sequestred
from Parliament, and be committed: And that,
within some convenient Time the House would
resort to their Lordships with particular Accusations
and Articles against him.' Ordered, That Mr.
Pymme go up with this Message; which was whol-
ly complied with by the Lords. At the same
Time Secretary *Windebank* was, first, questioned
about the Commitment and Discharge of some
Papish Prisoners.

Thomas Earl of
Strafford accused
of High Treason.

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Anl. 16. Car. I.
1649.

It may be proper here to take Notice of an Eracement made in the *Journals* of the Lords, by Order of that House, after the Restoration of *Charles II.* of all the Proceedings against the Earl of *Strafford* at this Time. This extraordinary Act was taken into Consideration in a succeeding Reign, and another Order was made by the Lords at that Time relating to it. This is enter'd in the *Journals* just where the first Eracement begins, and is in these Words:

Die Martis Julii 5to. 1698.

'The Earl of *Rocheſter* reported from the Lords Committees, appointed to inspect the *Journals* of this House, in the Year 1640 and 1641, relating to vacating or obliterating divers Proceedings therein, pursuant to the Act for reverſing the Earl of *Strafford's* Attainder, as follows, viz.

'Upon Peruſal of the *Journal* of this Houſe, in relation to the Proceedings upon the Impeachment from the Houſe of Commons, it appears plainly that, by the former Orders made by this Houſe, relating to the cancelling and obliterating the Proceedings of the Earl of *Strafford*, according to the Act of Parliament made for reverſing of the ſaid Earl's Attainder, it could not be intended that any other Proceedings ſhould be obliterated than thoſe relating eſpecially to the ſaid Act of Attainder; it is therefore ordered and declared, by the Lords Spiritual and Temporal in Parliament aſſembled, That whatſoever ſtands croſſed upon the *Journals* relating to the Proceedings on the Impeachment of the ſaid Earl, ought not or ſhall be looked on as obliterated; and that the ſeveral Orders for obliterating and vacating any Proceedings concerning the Earl of *Strafford*, muſt be taken to be intended only to the Act of Attainder.'

Which Report being agreed to by the Houſe, it was ordered, 'That there be a Note, or Memorandum, of the aforeſaid Order in the Margin of the *Journals*, where any ſuch Proceedings have been obliterated.' — But to return.

Neq.

Nov. 12. The Commons sent up to acquaint An. 16. Car. I.
the Lords, that they were ready to attend them in
a Committee, that Afternoon, about the Treaty at
Ripon and *York*; which was agreed to by the Lords.
1640.

Some more Evidences were examined against Se-
cretary *Windebank*, and he was desired to withdraw.
On the Comptroller of the Household's saying, *That*
his Majesty taking notice, &c. it was observed the
great Inconvenience that might fall upon this House,
if his Majesty should be inform'd of any Thing in
agitation there, before it was determined; therefore
it was moved that some Course might be taken for
preventing that Inconvenience.

Nov. 13. Some Orders taken for the bringing
over, from *Ireland*, Sir *George Ratcliffe* and Sir *Ro-*
bert King, as Witnesses against Lord *Strafford*:
Their Privileges, as being Members of Parliament
in that Kingdom, over-ruled. The House, in a
Committee, took into Consideration a Supply for
Payment of the King's Army, &c. 100,000 *l.* to
be the Sum. The King's Remembrancer, and the
Auditors of the Receipt, ordered to lay before the
House Certificates how the last Subsidy was assessed
upon the several Counties, and the Returns from
each, that the House may be informed of the seve-
ral Rates.

Witnesses
brought from
Ireland against
Lord *Strafford*.

Nov. 14. Nothing material done. This being
Saturday, and the Fast being appointed for *Tuesday*
next, the House adjourned to the *Wednesday* fol-
lowing.

' This Fast was kept very piously and devoutly,
says a Writer of those Times; Dr. *Burgeſs* and Mr.
Marshall preach'd before the Commons, at least seven
Hours between them: The Bishop of *Carlisle* (a),
and the Bishop of *Durham* (b), before the Lords.
As the second Service was reading at the Commu-
nion Table, a Psalm was sung, in order to disturb it;
which put by the Service: A Thing much mar-
velled

(a) Dr. *Barnabas Potter*,

(b) Dr. *Thomas Morley*.

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An. 16. Car. 1. velled at, says our Authority, by Men of moderate
1640. Spirits (c).

Nov. 18. Some further Orders and Proceedings against the Earl of *Strafford*. *Resolved*, upon the Question, 'That those Lords, who were Petitioners to the King at *York*, a Copy of which Petition was then read, had done nothing but what was legal, just, and expedient, for the Good of the King and Kingdom. *Ordered* the Petition to be entered in the *Journals*. This is given before (d).

Nov. 19. Some more Resolutions taken about the Supply, and the Sum of 100,000 *l.* voted. *Ordered* that a Bill should be brought in accordingly.

Remonstrance
from the Parlia-
ment of Ireland.

Nov. 20. Reported from the Committee for *Irish* Affairs, 'That the Parliament of that Kingdom had set forth a Remonstrance; wherein it appeared, That Trading was destroyed; Industry disheartened; new and unlawful Impositions were laid; the arbitrary Determination of all Causes for Goods, Lands, and Possessions, by Petitions and Acts at the Council Table, where no Writ of Error can lye, and thereby the King loseth a Fine: That his Majesty's gracious Disposition for the Good of the Kingdom is kept from them: That there is a Monopoly of the sole Trade of Tobacco, of more Gain to the Parties interested therein, than the King's whole Revenue in *Ireland*; the destroying the Plantation of *Londonderry*; the exorbitant Power of the High Commission, which crieth loud in all the three Kingdoms; the Proclamation, forbidding any departing thence for *England*, without Licence, and paying dear for it; the many Subsidies given and Money raised for the King, and yet he is still in Debt; they therefore demand an Account of his Treasure, and desire present Redress, or Access to his Majesty.'

Sir

(c) *Diurnal Occurrences*, &c. from Nov. 3, 1640, to 1641.
4to. Lond. 1641.

(d) See Vol. VIII. p. 491.

Sir Robert Harley reported from the Committee appointed to settle Matters about the Members receiving the Communion, ' That they had resolved none should sit in the House but those who should take the Sacrament; and that this was intended for the Discovery of *Papists* amongst them: That the Committee thought fit that some Confession of Faith, Renunciation of the *Pope*, &c. should be made, by such as are suspected, as by those that were *Papists*, and now go to Church; or have their Wives *Papists*; or bring up their Children in *Popery*; or keep a considerable Number of *Papists* for their Servants; and if any here know such to give Notice of their Names: That two Members of this House were required to go to the Dean of *Westminster* (e), to intimate to him, from the House, that it was desired the Elements might be consecrated upon a Communion Table, standing in the Church, according to the Rubrick, and to have the Table removed from the Altar. The Dean gave this Answer, That it should be removed according to the Desire of the House, with this further Respect to the House, That tho' he would do greater Service to them than this, yet he would do as much as this for any Parish in his Diocese, who desired it.'

An. 16. Car. I.
1640.
Orders about the
Commons receiving the Communion.

Two of the Judges sent by the Lords to desire a Conference with the Commons, concerning the great Business, now in hand, between the Commissioners for *England* and *Scotland*. Agreed to be presently, by a Committee of the whole House, in the *Painted Chamber*. But the Report of this Conference is omitted in their *Journals*: However a *Resolution* was taken this Day, ' That this House does approve of those *English* Lords who were Commissioners to treat with the *Scots*, with this Declaration, That no Conclusion of theirs shall bind the Commons, without their Consent in Parliament.'

Secretary *Windebank* further questioned, and some Witnesses examined about his releasing *Popish recusants*:

(e) Dr John Williams, Bishop of *Lincoln*, formerly Lord Keeper.

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An. 16. Car. I. *cusants* from Prison. Nothing material done from
1640. this Day till

Nov. 24. The outward Room being cleared, and the Doors locked, Mr. *Pymme* made a Report from the Committee appointed to draw up the Charge against the Earl of *Strafford*; but the Particulars are omitted in the *Journal*. The Title of the Charge, and every particular Article of it, with the Conclusion and the Addition to that, were distinctly read, put to the Question, and all agreed unto by the House.

Proceedings a-
gainst Secretary
Windebank.

Nov. 25. This Day the Commons sent the Lord *Digby* up to the Lords, to desire a Conference with them concerning Articles to be exhibited against the Earl of *Strafford*. Mr. *Pymme* ordered to deliver the Charge against the Earl; which being done, the said Gentleman reported it to the House, and had their Thanks for his well delivering of it. Nothing of any great Moment done in this House untill

Dec. 1. When a long Report is entered from the Committee of Inquiry after *Papists*, &c. all tending as Evidence against Secretary *Windebank*. In the End it was ordered, 'That he should, the next Day, give Answer to such Questions as should be put to him, upon several Informations delivered in here against him; and he, in the mean time, to have Notice of it.

Resolution a-
gainst Ship-Mo-
ney.

Dec. 7. For want of proper Matter we pass on to this Day; when a Report was made by Mr. *St. John*, from the Committee appointed to examine into the Legality of *Ship-Money*; which ended, the House came to the following *Resolutions* upon it.

Resolved, upon the Question, *nullo contradicente*, 'That the Charge imposed upon the Subjects for the providing and furnishing of Ships, and the Assessments for raising of Money for that Purpose, com-

commonly called *Ship-Money*, are against the Laws An. 16. Car. I.
of the Realm, and the Subjects Right of Property, 1640.
contrary to former *Resolutions* of Parliament, and
to the *Petition of Right*.'

Resolved, 'That the extrajudicial Opinions of
the Judges, published in the *Star-Chamber*, and
inrolled in the Courts of *Westminster*, then read, in
the whole and every Part of them, are against the
Laws of the Realm, the Right of Property, the
Liberty of the Subject, contrary to former *Resolu-*
tions of Parliament, and to the *Petition of Right*.'

Resolved, 'That all the Writs, commonly cal-
led *Ship-Writs*; the Judgment in the *Exchequer*,
in Mr. *Hampden's* Case, in the Matter and Sub-
stance thereof, that he was anywise chargeable
thereby, is against the Laws of the Realm, &c.'

A Committee was then appointed to go forth-
with to the several Judges, to know how they
were solicited or threatened, in what Manner, and
by whom, to give any Opinion or Judgment con-
cerning *Ship-Money*; and, lastly, to acquaint the
Judges with what had been voted this Day con-
cerning it.

Dec. 9. The House debated the Matter about
Religion and the Canons, with the *Benevolence*
granted to the King by the Clergy; but nothing
particular is enter'd about them (f).

Dec. 10. The Way for raising 100,000 l. for
the Relief of the King's Army and the Northern Two Subsidies
Counties, was debated; when, after many Speeches, granted.
the House *resolved*, That *two Subsidies* should be
granted, instead of the Sum aforesaid; and, the
next Day, a Bill was ordered in accordingly.

Dec. 14. The Treasurer of the Household was
intreated to acquaint his Majesty with the great
Care and Affection of this House to advance and
settle his Revenue; and, for that Purpose, do hum-
bly desire his Majesty that he will give them Leave
to

(f) See Vol. VIII. p. 490. This Grant of *Benevolence* is at
large in *Nelson's Collections*, Vol. I. p. 533.

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An. 16. Car. I, to enter into the Debate of his Revenue and Expences.
1640.

Resolution against the Canons lately made by the Convocation.

Dec. 15. After a long Debate on the Canons, in which Mr. *Holborn* argued two Hours in justification of them, and Mr. *St. John* and Mr. *Maynard* against them, it was *resolved*, upon the Question, *nullo contradicente*, 'That the Clergy of *England*, convened in any Convocation, or Synod, or otherwise, have no Power to make any Constitutions, Canons, or Acts whatsoever, in Matter of Doctrine, Discipline, or otherwise, to bind the Clergy or the Laity of this Land, without common Consent of Parliament.'

Resolved, in the same Manner, 'That the several Constitutions and Canons Ecclesiastical, treated upon by the Archbishops of *Canterbury* and *York*, Presidents of the respective Convocations for those Provinces, with the rest of the Bishops and Clergy, and agreed on, with the King's Licence (*g*), in their several Synods, begun at *London* and *York*, do not bind the Clergy or Laity of this Land, or either of them (*h*).'

Dec. 16. It was further *resolved*, 'That the said Canons and Constitutions do contain in them many Matters contrary to the King's Prerogative, to the fundamental Laws and Statutes of this Realm, to the Right of Parliaments, to the Property and Liberty of the Subjects, and are Matters tending to Sedition, and of dangerous Consequence.'

Resolved, also, upon the Question, *nullo contradicente*, 'That the several Grants of *Benevolence* and *Contribution* granted to his most Excellent Majesty, by the Clergy of the Provinces of *Canterbury* and *York*, in the several Convocations, or Synods, holden at *London* and *York*, in 1640, are contrary to the Laws, and ought not to bind the Clergy.'

A

(*g*) This Licence was a Commission, under the Broad Seal, dated May 12. 1640.

(*h*) These Constitutions and Canons are printed at large in *Nelson's Collections*, Vol. I. p. 351.

A Committee was appointed to prepare the several Votes, concerning the new Canons, and to make them ready for this House to present to the Lords; and to examine and consider who were the Promoters of these new Canons, and who the principal Actors; and what Execution has been made upon them, and by whom; and to consider how far, in particular, the Lord Archbishop of *Canterbury* has been an Actor in all the Proceedings of them; and further to examine how far he has been an Actor in the great Design of the Subversion of the Laws of the Realm, and of the Religion; and to prepare and draw up a Charge against him and such others as shall appear Offenders in these Particulars. To have Power to send for Persons, Papers, Records, Books, and Witnesses, and to do any other Act which they, in their Judgments, think fit.

The Names of the Members of this Committee, as they were principal Managers and Speakers in the House at this Time, cannot be improper.

Mr. Pymme,	Mr. Strangeways,
Mr. Holles,	Sir William Litton,
Sir Francis Seymour,	Sir Gilbert Gerrard,
Sir Walter Erle,	Sir Hugh Cholmeley,
Sir John Hotbam,	Sir Oliver Luke,
Sir Guy Palmes,	Mr. Peard,
Sir Edward Hungerford,	Sir Robert Howard,
Mr. Bagshaw,	Mr. Coke,
Sir Henry Anderson,	Mr. White,
Mr. Glyn,	Mr. Rigby,
Mr. Grimston,	Sir Thomas Widdrington,
Sir Miles Fleetwood,	Mr. Palmer,
Sir John Strangeways,	Mr. Maynard,
Mr. Hampden,	Mr. Whistler,
Mr. Nathaniel Fienes,	Mr. Pelham,
Sir Edward Deering,	Mr. St. John,
Sir Thomas Barrington,	Mr. Rogers,
Sir Robert Harley,	Mr. Whitlock,
Mr. Young,	Mr. Weston.
Mr. Arthur Goodwyn,	

Dec.

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Dec. 17. The Treasurer of the Household informed the House, 'That the King, being acquainted by him with the great Care and Affection of the Commons, to advance and settle his Majesty's Revenue, doth very graciously interpret the same; and had commanded him to give the House Thanks for it in his Name. That his Majesty doth give the House free Leave to enter into the Debate of his Revenues and Expences, as is desired; and hath given Orders, that all his Officers and Ministers, from Time to Time, shall assist the House therein, as Occasion shall be.'

The next Day was appointed to go upon this Business; and humble Thanks was ordered to be returned to his Majesty from the House, by the Treasurer, for his gracious Message.

The late Breaches
of Parliamentary
Privileges inquir-
ed into.

Dec. 18. A Committee appointed to take into Consideration the Breaches of Parliamentary Privileges, both in the last Parliament, and in that of *3tio Caroli*; and, especially, the Proceedings against Mr. Holles, Sir Peter Hayman, Mr. Strode, Mr. Valentine, Mr. Selden, Mr. Walter Long, Sir John Elliot, Sir Miles Hobart, Mr. Crew, Mr. Bellasisse, Sir John Hotham, Mr. Hampden, Mr. Pymme, and Sir Walter Erle, Members of either the last Parliament, or that of *3tio Caroli*. And they are likewise to consider what Reparations are fit to be granted to the Parties grieved; and to think of some Course to prevent the like hereafter; but the Committee was first to inquire after, and to consider of the Breaches of Parliament, *3tio Caroli*, and report them to the House. They had also Power given them to send for Parties, Witnesses, Papers, Records, and to do any other Act as they in their Judgment thought fit.

Resolved, upon the Question, 'That a Message shall be sent from this House to the Lords to accuse Dr. William Laud, Archbishop of Canterbury, of High Treason, in the Name of this House, and of all the Commons of *England*; and to desire that he may be forthwith sequestered from Parliament, and
be

be committed. That, within some convenient Time, this House will resort to their Lordships with particular Accusations and Articles against him.

1640.

Mr. *Holles* was appointed to go up to the Lords with this Message; who, soon after returning, reported, 'That he had delivered it; and that the Lord Keeper told him the Lords had considered the Message, and, accordingly, had sequestred the Archbishop from the House, and committed him to the Custody of their Gentleman Usher.'

Dr. Laud, Archbishop of Canterbury, charged with High Treason.

In the *Journals* of the Lords is nothing more particular relating to this Affair, except, That when the Archbishop was accused there, as is said, he desired Leave to speak, and dropped some unguarded Expressions, which he afterwards begg'd to recant, but was refused. He then desired Leave to go to his House to fetch some Papers that might enable him to make his Defence, which the House granted; provided he did nothing but in Sight of the Gentleman Usher, in whose Custody he was ordered to remain.

Dec. 19. After some Orders to the Committee of Religion, concerning the Reformation of preaching Ministers, &c. it was ordered, 'That a Message should be sent to the Lords, to acquaint them, that there are certain Informations of a high Nature, in their House, against Dr. *Matthew Wren*, Bishop of *Ely*, concerning the setting up of Idolatry and Superstition, in divers Places, and exercising some Acts of it in his own Person; with divers other Matters of great Importance; and that they have Information likewise, that he endeavours an Escape: Therefore they desire their Lordships that there may be some Care taken, that he may give good Security to abide the Judgment of Parliament.'

Informations against Dr. Wren, Bishop of Ely.

Mr. *Hampden* went up with this Message, to whom the Lord Keeper returned this Answer, 'That their Lordships had ordered the Bishop of *Ely* to give Bail for 10,000*l.* to stand the Judgment of Parliament.' — This Circumstance is confirmed by the Lords *Journals*.

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Dec. 21. Upon an Intimation given to the House of Commons by a Member, That the Lord Keeper of the Great Seal, understanding that there were Complaints against him in the House, desired that he might be heard to say something to the House, before they voted any thing against him: This was granted, and he was admitted in this Manner:

‘ There was a Chair set for him to make Use of, if he pleased, and a Stool to lay the Purse upon, a little this Side the Bar, on the left Hand as you come in. He himself brought in the Purse, and laid it on the Chair; but would not sit down himself, nor put on his Hat, tho’ he was moved to do it by the Speaker; but spoke all the while bare-headed, and standing, the Serjeant at Arms attending the House, standing by him with the Mace on his Shoulder. After he had spoke in his own Defence, and was retired, it was moved, That this Admission of the Lord Keeper might not be drawn into Precedent for future Times.’

The Lord Keeper, Finch, accused of High Treason, &c.

Resolved, upon the Question, ‘ That *John Lord Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seal of *England*, shall be accus’d by this House of High Treason, and other Misdemeanors, in the Name of this House, and all the Commons of *England*. And that the Lords be desired to sequester him from Parliament, and be committed; and that, within some convenient Time, this House will resort to their Lordships with particular Articles and Accusations against him.’ *Ordered*, ‘ That the Lord *Falkland* go up with this Message.’

By the Lords *Journals* we find, that this last- nam’d Message was not delivered till next Day; when the Lords returned this Answer to it, ‘ That they had taken the Message into Consideration; but, having received Intimation that the Lord Keeper was not to be found, they had ordered him into safe Custody when he could be so: And when the Particulars of his Charge come up against him, they will give all Furtherance to it.’ In the mean time his Majesty, by Commission under the Broad Seal, had appointed Sir *Edward Littleton*, Lord Chief Justice of

of the Common Pleas, to sit as Speaker in the An. 16. Car. T.
Lord Keeper's Place. 1640.

Dec. 22. The Commons resolved, upon the Informations a-
Question, 'That a Message be forthwith sent to gainst six of the
the Lords, to desire them that the Lord Chief Ju- Judges,
stice *Bramston*, Lord Chief Baron *Davenport*,
Justice *Berkley*, Justice *Crawley*, Baron *Trevor*,
and Baron *Weston*, do, by themselves and others,
put in good Security to abide the Judgment of Par-
liament; for that there are Informations of Crimes
of a high Nature against them in this House.'
Mr. *Waller* to go up with this Message.

The Answers of the Lords to both these last
Messages are omitted in the Journals of the Com-
mons. But those of the Lords acquaint us, That
when Mr. *Waller* had accused the Judges, as afore-
said, they being all present except the Lord Chief
Baron, submitted themselves to the Pleasure of the
House. And it was ordered, 'That the said Judges,
for the present, should enter into Recognizances,
in open Court, of 10,000*l.* each, to abide the
Censure of Parliament.' Which was done accord-
ingly; and the next Day Sir *Humphry Davenport*
gave the same Security.

Dec. 23. The House of Commons having resolved
itself into a Committee of the whole House, on the
Supply, it was resolved, upon the Question, 'That Two additional
Two Subsidies more should be added to those Subsidies Subsidies voted.
already agreed upon, to be employed to the same
Uses, or to such as this House shall appoint. That
the two first Subsidies shall be paid by the 10th of
February next; and the two last by the 10th of *May*
next following.

The same Day a Petition was presented to the
Lords from the Archbishop of *Canterbury*, in these
Words:

THAT whereas your Lordships Petitioner, when The Abp. of
he was to withdraw and leave that Honourable Canterbury's Pe-
Assembly, gave Offence to your Lordships in some titution to the
Lords.
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An. 16. Car. I. 1640. *Thing which passed from him in his Speech, he is very heartily sorry for the same; and most humbly prayeth that your Lordships will pass by that passionate Offence, pressed from your Petitioner by the Weight and Unexpectedness of the Charge which fell upon him.*

And that your Honourable Lordships would be pleased to grant that your humble Petitioner may have some Liberty to take the Air, for his Health's Sake, under what Safe-Guard your Lordships shall think fit; and this in regard that his Health begins to fail him already, by reason the House where he is hath no Place in which he may take any fresh Air at all.

Whereupon the House ordered, 'That the Archbishop should take the Air, for his Health's Sake, in Company with Mr. Maxwell, the Gentleman Usher, to any Place excepting the Spring-Garden, or any belonging to the King's House. But to be suffered to speak with Nobody at that Time out of the Presence of the said Usher, and he to be answerable for his Grace's Forthcoming.'

Information against Dr. Piers, Bishop of Bath and Wells.

Dec. 24. It was resolved, by the Commons, upon the Question, 'That, upon several Informations and Complaints to this House made against Dr. William Piers, Bishop of Bath and Wells, of divers heinous Crimes, tending to Corruption and Subversion of Religion in that Diocese, and other Misdemeanors of a high Nature, a Message shall be sent to the Lords, to desire them to take Security from himself, and others, to be forthcoming, and to stand and abide the Judgment of Parliament. Sir Henry Mildmay to go up with this Message.' This was done accordingly; and the Bishop, by himself and Sureties, was bound in 10,000*l.* Bond to answer this Charge of the Commons against him.

Two Bills read a first Time this Day; the one for the yearly holding of Parliaments, and the other for the Supply.

Adjourned, on account of Christmas, to the 29th.

Dec.

Dec. 29. The Articles against Sir *George Ratcliff* An. 16. Car. 1. were read. *Resolved*, upon the Question, 'That 1640.
this House shall accuse Sir *George Ratcliff* of High Sir *George Rat-*
Treason, in the Name of all the Commons of En- cliff charg'd
gland, and that, very speedily, they will bring with HighTrea-
Articles against him. son.

A Message was sent up accordingly, and Sir *George*
was committed to the *Gatehouse*.

Dec. 30 and 31. Nothing material in the House
these two Days, but voting that several Proceed-
ings, by the Lord Lieutenant of *Ireland*, against
the Lord *Montmoris*, and the Lord *Dillon*, were
unjust and illegal: And that the Judges there were The Judges in
fit to be questioned as criminal; for their extrajudi- Ireland censur'd.
cial Proceedings and Opinions. The like Votes
were pass'd in the Causes of the Lord Viscount *Ely*,
and the Earl of *Kildare*.

We meet with no Matters of Moment trans-
acted in the House of Commons for some Time
after this; the most material Business of it being
done by Committees, and not entered in the *Jour-*
nals: But in the Lords we are told, that a Con-
ference was held, between the two Houses, Dec. 31;
when the Articles against Sir *George Ratcliff* were
read, and Mr. *Pymme* made a Speech upon them.
But as the Recital of these here would much inter-
rupt the Course of the *Journals*, we shall refer them
to another Place.

January 12. All Committees were ordered to
cease in the House of Commons, excepting these
that follow:

- For the Earl of *Strafford's* Business.
- For the Lord of *Canterbury*, and the new Canons.
- For the Lord Keeper, and the Judges.
- For Secretary *Windebank*, and the Recusants.
- For the Bishop of *Bath and Wells*. And
- For the Bishop of *Ely*.

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Jan. 18. This Day the Bill for granting *Four Subsidies* was read a third Time, and passed. It was also ordered, 'That the Time of Payment should be altered, and that the two first *Subsidies* should be paid by the 10th of *March* next.

Bill for frequent
holding of Par-
liaments.

Jan. 19. A Bill with Amendments was brought in, and read, called, *A Bill for preventing Inconvenience happening by the long Intermission of Parliaments*; and, upon the Question, ordered to be engrossed. The next Day it passed this House; and was sent up to the Lords by the Lord *Digby*, with another Bill for Relief of the King's Army.

Jan. 20. The Votes of the Commons, concerning *Ship-Money*, were sent up to the Lords, by Mr. *St. John*, who made a learned Speech on that Occasion. Afterwards the Lords proceeded to vote the Illegality of it; which they did in the same Manner as the Commons, *December 7*, *Nemine contradicente*.

Four Members
expell'd for being
Monopolists,

Jan. 21. The Commons excluded four of their Members, Mr. *William Sandys*, Sir *John Jacob*, Mr. *Thomas Webb*, and Mr. *Edmund Windham*, for being *Monopolists*, according to a former Order of this House.

Jan. 22. In a grand Committee of the whole House, after long and serious Debate, they came to this Resolution, 'That this House thinks fit that a friendly Assistance and Relief shall be given towards the Supply of the Losses and Necessities of the *Scots*; and that, in due Time, this House will take Notice of the Measure and Manner of it.'

300,000 l. voted
for the Relief of
the Scots;

Nothing of Moment done by the Commons till *February 3*. When the Affair of the *Scots* was again taken into Consideration, by a Committee of the whole House; and it was resolved, on the Question, 'That this House doth conceive that the Sum of 300,000 l. is a fit Proportion for the friendly Assistance

ance and Relief formerly thought proper to be given An. 16. Car. I. 1640.
towards the Supply of the Losses and Necessities of
our Brethren of Scotland; and that this House will,
in due Time, take into Consideration the Manner
how, and the Time when, the same shall be raised.

The next Day this *Resolution* of the Com-
mons was made known to the Lords, at a Confe-
rence; and three Days after, *viz. Feb. 6.* we find
an Answer of the *Scots Commissioners* entered in
the Lords *Journals*, by way of returning their
Thanks for this extraordinary Bounty; which we
give in its own Words:

‘ We intreat your Lordships, whose Endeavours For which their
‘ God hath blessed in this great Work, to make Commissioners
‘ known to the Parliament, That we do no less de- return Thanks.
‘ fire to shew our Thankfulness for their friendly
‘ Assistance and Relief, than we have been earnest
‘ in demanding the same. But the Thankfulness
‘ which we conceive to be due, does not consist
‘ in our Affections or Words at this Time, but in
‘ the mutual Kindness and real Declarations to be
‘ expected from the whole Kingdom of *Scotland*,
‘ in all Times to come: And that, not only for
‘ the Measure and Proportion which the Parliament
‘ hath conceived to be fit, and which, to begin our
‘ Thankfulness now, we do, in the Name of the
‘ whole Kingdom, chearfully accept of; but also
‘ for the kind and *Christian* Manner of granting it
‘ unto us, as to their *Brethren*; which addeth a
‘ Weight above many Thousands, and cannot be
‘ compensated, but by paying the reciprocal Love
‘ and Duty of *Brethren*; and for the *Resolution*,
‘ To consider, in due Time, for the raising the
‘ same for our Relief, which also maketh the Be-
‘ nefit to be double.

‘ This makes us confident that God, whose
‘ Working at this Time hath been wonderful,
‘ hath decreed the Peace and Amity of the King-
‘ doms, and will remove all Rubs out of the Way,
‘ that our Enemies at last will despair to divide us,
‘ when they see that God hath joined us in such a
‘ Fraternity; and that Divine Providence will plen-

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1640.

‘tissfully recompence unto the Kingdom of England their Justice and Kindness, and unto Scotland all their Losses ; which shall, by these and other Means amongst ourselves, be repaired by the rich and sweet Blessing of the Purity and Power of the Gospel, attended with the Benefit of a happy and durable Peace, under his Majesty’s long and prosperous Reign, and of his Royal Posterity to all Generations.’ *Dated Feb. 5, 1640.*

Judge Berkley
accused of High
Treason.

Feb. 11. It was resolved, upon the Question, ‘That Sir Robert Berkley, Knt. one of the Judges of the King’s Bench, shall be accused by this House of High Treason, and other great Misdemeanors ; and that Sir John Colepeper be appointed to go to the Lords, and desire that he may be forthwith committed ; and that this House will shortly exhibit particular Articles against him.’ In consequence of this, Judge Berkley was taken off the Bench, in Westminster-Hall, by the Usher of the Black Rod, and committed ; which struck a great Terror in the rest of his Brethren, then sitting, and on all of his Profession.

Feb. 15. The principal Bills being now ready for the Royal Assent, the Commons were careful that the Bill of *Subsidies* should go hand-in-hand with two others ; and therefore sent to desire the Lords to take some Course, as they had done, to intimate as much to his Majesty. These two Bills were, first, *A Bill to prevent Inconveniencies that may arise from an Intermission of Parliaments* ; and the other, for *A Triennial Parliament*. But this Affair will best appear in the Sequel.

Nothing done in this House worth Notice till

Feb. 26. When the House, after making several Orders in regard to the Prosecution of the Earl of Strafford, took into Consideration that also against Archbishop Laud. The Articles of the Archbishop’s Accusation being now read, they were ordered to be ingrolled ; and Mr. Pymme, Mr. Maynard, and Mr.

Mr. Hampden, were also ordered to deliver them to the Lords, at a Conference desired for that Purpose. An. 16. Car. I. 1640.

March 1. This Day is only taken Notice of, on account of an extraordinary Division of the House; both for the large Number of Members then attending, and the near Equality of their Voices. One Dr. *Chaffin* had been sent for as a Delinquent, by the Serjeant at Arms, for speaking of indiscreet Words in a Sermon, preached by him in the Cathedral Church of *Salisbury*, at a Metropolitcal Visitation held there; which Words did admit of such an Interpretation as reflects, in an ill and scandalous Sense, upon Parliaments. The Words were these, which he also added to the Litany, *From all Lay-Puritans, and all Lay-Parliament-Men, good Lord deliver me (i).*

The Question being put, Whether, for these Words, Dr. *Chaffin* should be committed Prisoner to the Tower? The House divided, and it was carried in the Negative, 190 against 189, in all 379; a greater Division than any we have met with this Parliament. It was ordered, however, That the Doctor should be called to the Bar, and receive a sharp Reprehension and Admonition, and make a public Explanation of his Words, in the Cathedral of *Salisbury*, on some Lord's Day, within some convenient Time afterwards.

March 11. The Business of the Clergy's being concerned in any civil Affairs had been many Days discussed in the House. And this Day it was resolved, 'That for Bishops, or any other Clergyman whatsoever, to be Privy Counsellors, or in the Commission of the Peace, or to have any judicial Power in the Star-Chamber, or in any Civil Court, is a Hindrance to their Spiritual Function, prejudicial to the Common-Wealth, and fit to be taken away; and a Bill was ordered for that Purpose.'

Bill for disabling Bishops, &c. from holding civil Offices.

It

(i) Diurnal Occurrences, *ut antea*.

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1640:

Report of a
Conference con-
cerning the State
of the Kingdom.

It hath been taken Notice of, that few or no Reports, from Conferences held between the two Houses, are entered in the *Journals* of the Commons; a Blank being usually left instead of it. But, on the 22d of this Month, a Conference with the other House being desired by the Lords, concerning the great Affairs of the Kingdom, the same was reported the next Day to the Commons, by Mr. *Pierrepont*, in the following Manner: He told the House that the Earl of *Bristol* began the Conference, and said,

Gentlemen, and you the Knights, Citizens, and Burgeses of the House of Commons.

Earl of Bristol.

I Am commanded by my Lords here to let you know, that they have taken serious Deliberation of the Propositions made by you, the other Day, in a Conference, concerning the Extremity in which the Kingdom was, for want of Money to give Satisfaction to the Two Armies. I am commanded to let you know, their Lordships, in this, and any thing else that may conduce to the Service of the King, and Good of the Kingdom, will concur, and be very ready to give such Assistance as you shall propound, or, upon Debate with them, think fit to advance the Work. You were pleased to declare the great Industry used for raising of Monies; and truly we conceive it can scarce be paralleled in any Time, where the House of Commons hath shewed so great Affection to the Good of the Kingdom, as, in their own Particulars, to be so engaged as they have been: But they now perceive, though as good Security as can be hath been tendered, (not only personal Security, but the Security of the Kingdom, the Bill of Subsidies) the Cause of this Hindrance must be some Apprehension of Damage, which the Kingdom hath, and particularly the City of *London*, in that they fear unquiet and dangerous Times, and so loth to part with Money; for we cannot but conceive there is Money in the Kingdom, and in the City:

This

This Fear is that which maketh them all keep the Wealth they have, to serve their Turns in Extremity of Danger; and therefore think, that since there is great Use of Money to open the Credit of the Kingdom, for the Granting of *Subsidies* doth not get ready Money, but gives Credit; and Peace and Tranquility will encourage the Lending of Money: And therefore the Lords have commanded the Lords Commissioners, with all Speed, to bring unto you the Bottom of the Treaty with the *Scots*, that the Kingdom may see in what Estate we are; and I hope it will be in a few Days towards Peace: And their Lordships, as well for the Sums in Arrear, as for those other great Sums which are promised, and must in Time be provided, will, I make no doubt, likewise concur with you in that, and in all Things else that may conduce to the Happiness of the State: And therefore, because Ways of Money are more proper to proceed from you than from us, if you shall think that any Way that may be propounded by you may be effectual; or, if you propound not, their Lordships will let you know some of their Propositions; and if you be not now prepared to confer about it, we shall, when you please, debate the same with you.

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Lord Say. — My Lords have commanded me to let you know, that they do conceive much Content in the good Correspondency between both Houses, as it is evidenced in this Particular; which, though it is a tender Point (and wherein my Lords will not trench upon your Privileges) you desire their Advice; and there is nothing, wherein they may concur with you, that they will be unwilling unto: One Way they have thought of, which, if you approve of it, and think it fit, may be used; whereby the City may be moved, from both Houses, to lend; for there is the Money to be had; but there are some Obstructions, which may be by Mistakes: And I do not doubt but that they will, when they shall be moved by both Houses, be induced to lend that

Lord Say.

An. 16. Car. I. that Money that may serve the Occasion, when
1640. the Danger shall be made appear.

Earl of Essex.——‘I am only to add this more,
That, because there may be another Obstacle of
lending Money, the great Grievances and Calami-
ties of this Kingdom, together with the Causes and
Advisers thereof, I am commanded to tell you,
their Lordships are very sensible of it; and that,
in removing of any that have been the Causes of
these Troubles, and, in the Redress, they shall be
ready to join in any Way with you.’

Earl of Bath.——‘To press, with all Expedi-
tion, the Scots Commissioners to come to a Con-
clusion of the Treaty, to the Content of both
Houses.’

We have now gone through with the *Journals*
of the House of Commons, from the Beginning of
this Parliament, Nov. 3, 1640, to March 25, 1641.
In which all the material Matters, relative to this
Design, are carefully abstracted. There are a Mul-
titude of lesser Affairs left behind, some of which
may be thought worth mentioning; but these will
either fall better in our Account of the Proceedings
of the Lords to this Period, or will be taken Notice
of in the subsequent Recapitulation of the whole.

We next go back to seek for the particular
Speeches made in the House of Commons, in the
several Days Debates on the foregoing Articles.
These were printed in single Pamphlets at this
Time, and published by the Members themselves;
it being either the Vanity of this Age, or a Desire
to have their Sentiments made known, to have
no one remarkable Speech spoken within the House,
that was not printed and spread throughout the
Kingdom. Most of these have the Speakers
Names to them, and are dated to the Day they
were spoken; but others, which have not those
di-

distinguishing Marks upon them, we shall range in as good Order as we can. Some of them are in *Rushworth*: But we have chosen rather to copy the *Original Editions*. Nevertheless such Speeches, &c. as are to be found either in his, or Dr. *Nelson's Collections*, have been collated with both.

An. 16. Car. I.
1640.

The first Affair which took up the Attention of the House of Commons, after the Meeting of this Parliament, was the Censures in the *Star-Chamber*, or elsewhere, with the subsequent Imprisonment of *Burton*, *Bastwick* and *Prynne*, as mentioned Nov. 7. in their *Journals* (i). These Men had highly offended the Court, and the whole Hierarchy of *English* Bishops, by publishing some Books against that Order: But, as this Affair made a great Noise at that Time, it will be necessary to see what the Cotemporary Historians say of it. And first (k),

Lord *Clarendon* writes, 'There were three Persons most notorious for their declared Malice against the Government of the Church by Bishops, in their several Books and Writings, which they had published to corrupt the People; with Circumstances very scandalous, and in Language very scurrilous and impudent, which all Men thought deserved very exemplary Punishment. They were of the three several Professions which had the most Influence upon the People; a Divine, a common Lawyer, and a Doctor of Physic; none of them of Interest or any Esteem with the worthy Part of their Professions, having been formerly all looked upon under Characters of Reproach. Yet when these Men came to be sentenced, and for the Execution of that Sentence brought out to be punished as common and signal Rogues, exposed on Scaffolds to have their Ears cut off, and their Faces and Foreheads branded with hot Irons, Men began no more to consider their Manners, but the Men; and each

Account of *Burton*, *Bastwick* and *Prynne*.

(i) There were other Petitions from *John Lilburn*, *Alexander Leighton*, &c. exhibiting much the same Complaints.

(k) *Clarendon*, Vol. I. p. 73. Fol. Ed.

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1. each Profession, with Anger and Indignation enough, thought their Education, Degrees, and Quality would have secured them against such infamous Judgments, and treasured-up Wrath for the Time to come.

Another Author (1) writes, "That Mr. Burton was a Divine, at first employed by the Court as Clerk of the Chapel Closet; but this not being Preferment suitable to his own concerted Merit, he grew factious first, and then insolent in Print, in two Pamphlets against Episcopacy, sharp and full of Rancour.

Dr. Bastwick had before been censured, by the High Commission, for writing and speaking against the Prelacy: And, to shew his Sentiments plainer, this Author hath given us the Title of an Answer he made to an Information exhibited against him, by the Attorney General, in these Words:

The Answer of John Bastwick, Doctor of Physick, to the Information of Sir John Bankes, Knt. Attorney General; in which there is a sufficient Demonstration, that the Prelates are Invaders of the King's Prerogative Royal; Contemnners and Despisers of Holy Scriptures; Advancers of Popery, Superstition, Idolatry, and Profaneness. Also, that they abuse the King's Authority, to the Oppression of his loyalest Subjects; and therein exercise great Cruelty, Tyranny, and Injustice; and, in the Execution of these impious Performances, they shew neither Wit, Honesty, nor Temperance: Nor are they Servants of either God or the King, but of the Devil; being Enemies to God and the King, and of every living Thing that is good. All which the said Dr. Bastwick is ready to maintain, &c. This Answer was contained in six Sheets of large Parchment, to the Amaze of the whole Court; nor could he be brought to be briefer, but prints it all, and dedicates it to the King, with an Epistle to prove it.

Mr. Prynne was a Barrister of Lincoln's-Inn, who, for some Pamphlets published against the King and Church,

(1) Sanderson's Life of King Charles I. Fol. Lond. 1658. p. 218.

Church, had been before censured; but, upon a new Attack against them, was punished the more. His Sentence was a Fine of 5000*l.* to the King, to lose the Remainder of his Ears in the Pillory, to be stigmatized on both Cheeks with an *S.* for *Schismatick*, and perpetual Imprisonment in *Caernarvon* Castle, in *Wales*. *Bastwick* and *Burton* each 500*l.* to the King, to lose their Ears in the Pillory, and be imprisoned; the first in *Launceston*, in *Cornwal*, and the other in *Lancaster* Castle. Our Author concludes the Account of these Men with observing, 'That, had they been brought to the *King's-Bench* Bar, they would not have been conjured up, by Policy and Power, to join their Revenge against the King and all their Accusers.'

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Mr. *Whitlock* has given us much the same Account as the last, and with the Preamble to Dr. *Bastwick's* Answer, in the Manner aforesaid (*m*).

To make an End of this Affair, because much greater Matters are before us, we shall only say, That the House of Commons did not only vote the Sentences against these Men unjust and illegal, but released them from their Imprisonments. Mr. *Whitlock* adds, 'That they were conducted into *London*, from their several Prisons, by many Hundreds of Horse and Foot, in great Pomp and Defiance of Justice; and that they petitioned the House of Commons for Damages against their Prosecutors (*n*).'

Grievances being the first Thing complained of in the House, in Petitions from several Counties, and supported by the Members that presented them, the first Speech we have met with, made in this Parliament, after the King's, and other ceremonial ones were ended, was by Mr. *Pym*; wherein he seems to have summ'd up all the National

Speeches relating
to Grievances.

(*m*) *Whitlock's* Mem. sub Anno 1637. p. 25.

(*n*) *Ibid.* p. 37. Another cotemporary Author writes, That it was generally esteemed the greatest Affront that ever was given to the Courts of Justice in *England*. *Diurnal Occurrences*, 420. *London* 1640 & 41.

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An. 16. Car. I. tional Grievances together. This was on the 7th of November, four Days after the Opening of the Parliament, and is as follows (o):

Mr. Pymme.

‘ **T**O redress Grievances, will not hinder, but further the King’s Service. To take away the Weights, as much advantages Motion, as to add Wings.

‘ His Method was, 1st, Several Heads of Grievances. 2^{dly}, Hurtful to the King as to the People. 3^{dly}, And the Remedy equally good to both of them.

‘ That the King can do no Wrong; the Law casts it upon the Ministers. The Influence of Heaven conveyeth Vigour into the sublunary Creatures; but the Malignity of all epidemical Diseases proceeds from the ill-affected Qualities of the Earth or Air.

‘ His Order was, to mention three Grievances, 1st, Against Privilege of Parliament. 2^{dly}, Prejudice of Religion. 3^{dly}, Liberty of the Subjects.

‘ For the *first*: The Members are to be free from Arrests; to have Liberty of Speech; a legislative, judiciary, and consiliary Power being to the Body public, as the Faculties of the Soul to a Man.

‘ These Privileges have been broken: 1st, In restraining the Members from speaking. 2^{dly}, In forbidding the Speaker to put a Question: Both of these practised in the last Parliament. 3^{dly}, By imprisoning divers Members for Matters done in Parliament. 4^{thly}, By Proceedings against them therefore in the inferiour Courts. 5^{thly}, Enjoining their good Behaviour, and Continuance in Prison even to Death. 6^{thly}, In abrupt Dissolution of Parliaments, the great Grievance; like the Execution of a Man, without being heard. It receives a Being by the Summons, and a civil Death by Dissolution;

(o) From a Quarto Book, intitled, *Speeches and Passages of this great and happy Parliament, from the 3^d of November, 1640, to this instant June, 1641*, collected into one Volume, and, according to the most perfect Originals, exactly published.—Printed for William Cook, at Furnifall’s-Inn-Gate, Holborn, 1641.

solution; not only thereby to die, but to be made *An. 16. Car. 1.*
Intestables, not to make their Wills. 1640.

‘The *Second*, Incouragement to *Popery*: 1st, By Suspension of all Laws against them: That there can be no Security from *Papists*, but in their Disability; their Principles being incompatible with any other Religion; Laws will not restrain them, Oaths will not, the *Pope* dispenseth with both; and his Command acts them against the Realm in Spirituals, and in Temporals *ad Spiritualia*. *Henry III.* and *Henry IV.* of *France* were no Protestants, yet were murdered because they tolerated Reformation. 2^{dly}, Their Places of Trust and Honour in the Common-Wealth. 3^{dly}, Their free Resort to *London* and to the Court, to communicate their Counsels and Designs, diving into the Secrets of State. 4^{thly}, That as they have a Congregation of Cardinals at *Rome*, for advancing the *Pope*’s Authority in *England*, so have they a Nuncio here to the Execution thereof.

‘Innovations of Religion introduced: 1st, Maintenance of *Popish* Tenets in Books, Sermons, and Disputations. 2^{dly}, Practice of *Popish* Ceremonies countenanced and enjoined; as, Altars, Images, Crucifixes, Bowings; he compared these to the dry Bones in *Ezekiel*, which first came together, then Sinews and Flesh came upon them, afterwards the Skin covered them, and then Breath and Life was put into them; so first the Form, then the Spirit and Life of *Popery*. 3^{dly}, Preferment of Persons *Popishly* affected. 4^{thly}, Discouragement of Protestants, by over rigid Prosecutions of the Scrupulous for Things indifferent, no Vice made so great as Nonconformity; by punishing, without Law, for not reading the Book of *Sunday Recreations*; for not removing the Communion-Table Altar-wise; not coming to the Rails to receive the Communion; for preaching on the Lord’s Day after Noon; for catechizing otherwise than as in the short Catechism in the Common-Prayer Book. 5^{thly}, and lastly, was the Ineroachment of Ecclesiastical Jurisdiction, particularly, 1st, In fining and imprisoning
 with-

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without Law. 2^{dly}, challenging their Jurisdiction to be appropriate to their Order, *Jure Divino*. 3^{dly}, Contriving and publishing new Articles of Visitation, and new Canons; the Boldness of Bishops and all their subordinate Officers and Officials.

The *third* Part of Grievances; in which Discovery he observed rather the Order of Time when they were acted, than of the Consequence; but when he comes after to the Cure, then he will persuade to begin with the most important; namely, *Tonnage and Poundage*, and the late new Book of Rates, taken by Prerogative without Grant of Parliament; from whence these Inconveniences follow; 1st, Men's Goods are seized, and their Suits in Law stopped. 2^{dly}, Misemployment of the Sums of Money imposed, intended for the Guard of the Sea, which are disbursed to other Uses, and a new Tax raised for the same Purpose. 3^{dly}, The Burthen excessive, Trade hindered, home Commodities abased, and foreign enhanced; by which Means the Stock of the Kingdom is diminished, especially insupportable to the poor Planters in *America*, by the Tax upon Tobacco.

The *fourth* general Grievance, Composition for Knighthood; which, tho' it refers to a former Custom, yet, upon the same Grounds, the King may renew it by a new Fine; immoderate Multiplication of Distress and Issues, and enforced to compound with the Commissioners; Inundation of Monopolies by the Soap Patent, undertaken by *Papists*, full of Mischief; 1st, By impairing the Goodness and enhancing the Price of Salt, Soap, Beer, and Coals. 2^{dly}, Under Colour of which, Trade was restrained to a few Hands. 3^{dly}, Many illegally imprisoned.

The great and unparalell'd Grievance of Ship-Money, being aggravated, not supported by the Judgment; which is not grounded upon Law, Custom, Precedent, or Authority. It being improper for a Case of Necessity, abounding in Variety of Mischiefs; as, 1st, The general Extent to all Persons,

sons, all Times, and the Subject left remediless, An. 16. Car. I.
2^{dly}. The arbitrary Proportion without Limits.
3^{dly}. Imposed by Writ, and disposed by Instructions: Improper for the Office of a Sheriff in the inland Counties, and inconvenient for the Inhabitants; without Rule or suitable Means for the levying or managing of it.

The Enlargement of Forests beyond the Bounds of the Statute of the 28th of King Edward I, which Perambulations then were the Cause, after, of that famous Charter, *Charta de Foresta*; and now reviving those old Questions, new Distempers may follow. The particular Obliquities he numbered thus, 1st, Surreptitious Proceedings, as in *Essex*; yet that Verdict was enforced in other Counties, and a Judgment upon the Matter, after 3 or 400 Years quiet Possession of the Subject, enforced to compound for great Fines.

The selling of Nuisances. The King, as a Father of the Common-Wealth, is to take Care of the public Commodities and Advantages of the Subjects; as Rivers, Highways, common Sewers, by ordinary Writs *ad quod Damnum*; but now, by a Course extrajudicial, by enforcing Compositions: So then, if a Nuisance be compounded for, 'tis a Hurt to the People; if no Nuisance, then it is used to the Party's Prejudice.

The Commission for Buildings about *London*, which was presented as a Grievance in the Time of King *James*, is now much more increased, and more prejudicial.

The Commission for Depopulations began some few Years since. By both these Commissions the Subject is restrained from disposing of his own; demolishing their Houses, punishing and fining their Persons, so that they are still liable by Law; for the King cannot licence a Nuisance: And altho' these are not Nuisances, yet it is an ill Consequence to be compounded for, and may make a Precedent for Kings to licence such Things as are Nuisances indeed.

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* Military Charges ought not to be laid upon the People by Warrant of the King's Hand; nor by Letters of the Council-Table, nor by Order of the Lords Lieutenants of the Counties, nor their Deputies.

* It began to be practised as a Loan, for Supply of Coat and Conduct-Money, in Queen *Elizabeth's* Time, with Promise to be repaid it; as appears by a *Constat* Warrant in the Exchequer, and certain Payments; but now a-days never repaid.

* The first Particular brought into a Tax was the Muster-Master's Wages; which being but for small Sums was generally digested; yet, in the last Parliament, it was designed to be remedied: But now there follows, 1st, Pressing of Men against their Wills, or to find others. 2^{dy}, Provisions for public Magazines of Powder, Spades, and Pickaxes. 3^{dy}, Salary of Officers, Cart-Horses and Carts, and such like.

* The extrajudicial Declarations of Judges, without hearing of Counsel or Argument; a seeming Grievance of many others.

* Monopolies countenanced by the Council-Table, and the Clause in their Patents of Monopoly, commanding the Justices of Peace to assist them; whereby the great Ability of the Council receive a Stain by such Matters of so mean a Report in the Estimation of Law, so ill in the Apprehension of the People.

* The High Court of *Star-Chamber*, called, in the Parliament-Rolls, *Magnum Concilium*, to which the Parliaments were wont to refer such Matters as they had not Time to determine. A Court erected against Oppression; a Court of Council, and a Court of Justice; now an Instrument of erecting and defending Monopolies, to set a Face of Public Good upon Things pernicious, as Soap, Ship-Money, &c.

* This great and most eminent Power of the King, Edicts, Proclamations, called *Leges Temporis*, which used heretofore to encounter with sudden and unexpected Danger, 'till the great Council of the King-

Kingdom could be called, hath of late been exercised for enjoining and maintaining Monopolies. An. 16. Car. I.
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‘ But the last and greatest Grievance led him to a Step higher, even as high as Heaven, as high as the Throne of God, his Word and Truth. The ambitious and corrupt Clergy, preaching down the Laws of God and Liberties of the Kingdom, pretending Divine Authority and absolute Power in the King to do what he will with us; and this Preaching is the high Way to Preferment, as one *Manwaring*, sentenced the last Parliament, then a Doctor, now a Bishop, preferred for his Doctrines.

‘ The Intermission of Parliaments, contrary to the Statute, to be called once a Year; the main Cause, therefore, of all Mischiefs, to which Parliaments give Remedy.

‘ That these Grievances are as hurtful to the King as to the Subject; by interrupting their Communion: For they have Need of his general Pardon, and to be secured from Projectors and Informers, to be freed from obsolete Laws, and from the subtil Devices of such who seek to strain the Prerogative to their own private Advantage and to the Publick Hurt; and the King hath Need of them for Counsel and Support. Queen *Elizabeth*’s victorious Attempts were, for the greatest part, made upon the Subjects Purses, and not upon her’s, though the Honour and Profit was her’s. That these Discontents diminish the King’s Reputation abroad, and disadvantage his Treaties, and weaken his Party beyond Seas, by encouraging *Popery*; by forcing the Subjects to leave the Kingdom, to the Prejudice of the King’s Customs and Subsidies; divers Clothiers forced away, who set up their Manufacture abroad, to the Hurt of the Kingdom. The King hath received, upon the Monopoly of Wines, 30,000*l.* *per Annum*, the Vintner pays 40*s.* a Tun, which comes to 90,000*l.* the Price upon the Subject, by Retail, is increased Two-pence a Quart, which comes to 8*l.* a Ton; so, forty-five thousand Tons brought

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An. 16. Car. 1. in yearly, amounts to 360,000*l.* which is 330,000*l.*
1640. Loss to the Kingdom, above the King's Receipt.

Now the Remedies, and removing these Grievances, consist of two main Branches; in declaring the Law where it is doubtful, and in Provision for the Execution of the Law where it was clear; but these he referred to a further Time; and, for the present, he advised speedily to desire a Conference with the Lords, and always to humble themselves to God for his Assistance.

Sir Benjamin Rudyard, Member for *Wilton*, made the following Speech the same Day.

Mr. Speaker,

Sir Benjamin
Rudyard.

WE are here assembled to do God's Business and the King's, in which our own is included, as we are Christians, as we are Subjects. Let us fear God, then shall we honour the King the more; for I am afraid we have been the less prosperous in Parliaments, because we have preferred other Matters before him. Let Religion be our *primum Quæritæ*, for all Things else are but *Etcetera's* to it; yet we may have them too, sooner and surer, if we give God his Precedence.

We well know what Disturbance hath been brought upon the Church, for vain petty Trifles. How the whole Church, the whole Kingdom hath been troubled, where to place a Metaphor, an Altar. We have seen Ministers, their Wives, Children, and Families undone, against Law, against Conscience, against all Bowels of Compassion, about not dancing upon *Sundays*. What do these Sort of Men think will become of themselves, when the Master of the House shall come, and find them thus beating their Fellow-Servants? These Inventions are but Sieves made of purpose to winnow the best Men; and that's the Devil's Occupation. They have a Mind to worry Preaching, for I never yet heard of any but diligent Preachers that were vexed with these and the like Devices. They despise Prophecy, and, as one said, 'They would fain be at something more like the Mass, that will not bite.'

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A muzzled Religion: They would evaporate and dispirit the Power and Vigour of Religion, by drawing it out into some solemn specious Formalities, into obsolete, antiquitated Ceremonies, new furnished up. And this, belike, is the good Work in hand, which Dr. *Heylin* hath so often celebrated in his bold Pamphlets. All their Acts and Actions are so full of Mixtures, Involutions, and Complications, as nothing is clear, nothing sincere in any of their Proceedings: Let them not say, that these are the perverse, suspicious, and malicious Interpretations of some few factious Spirits amongst us, when a *Romanist* hath bragged, and been congratulated in Print, That the Face of our Church begins to alter, and the Language of our Religion to change. And *Sancta Clara* hath published, That if a Synod were held, *non intermixtis Puritanis*, setting *Puritans* aside, our Articles and their Religion would soon be agreed. They have so brought it to pass, that, under the Name of *Puritans*, all our Religion is branded, and, under a few hard Words against *Jesuits*, all *Popery* is countenanced.

Whosoever squares his Actions by any Rule, either Divine or Human, he is a *Puritan*. Whosoever would be governed by the King's Laws, he is a *Puritan*. He that will not do whatsoever other Men would have him do, he is a *Puritan*. Their great Work, their Master-piece now is, To make all those of the Religion to be the suspected Party of the Kingdom.

Let us further reflect upon the ill Effect these Courses have wrought, what by a Defection from us on the one Side, a Separation on the other; some imagining whither we are tending, made haste to turn, or declare themselves *Papists* beforehand, thereby hoping to render themselves the more gracious, the more acceptable. A great Multitude of the King's Subjects, striving to hold Communion with us, but seeing how far we were gone, and fearing how much further we would go, were forced to fly the Land; some into other inhabited Countries, very many into savage Wilder-

An. 16. Car. I. 1640. *nesses, because this Land would not bear them. Do not they that cause these Things cast a Reproach upon the Government?*

Mr. Speaker, Let it be our principal Care that these Ways neither continue nor return upon us. If we secure our Religion, we shall cut off and defeat many Plots that are now on foot by them and others. Believe it, Sir, Religion hath been for a long Time, and still is the great Design upon this Kingdom. It is a known and practised Principle, that they, who would introduce another Religion into the Church, must first trouble and disorder the Government of the State, that so they may work their Ends in a Confusion which now lies at the Door.

I come next, Mr. Speaker, to the King's Business more particularly; which indeed is the Kingdom's; for one hath no Existence, no Being without the other, their Relation is so near; yet some have strongly and subrily laboured a Divorce; which hath been the very Bane both of King and Kingdom.

When the Foundation is shaken, it is high Time to look to the Building. He hath no Heart, no Head, no Soul, that is not moved in his whole Man, to look upon the Distresses, the Miseries of the Common-Wealth; that is not forward in all that he is, and hath, to redress them in a right Way.

The King likewise is reduced to great Straits, wherein it were Undutifulness, nay Inhumanity, to take Advantage of him: Let us rather make it an Advantage for him, to do him best Service when he hath most Need. Not to seek our own Good, but in him, and with him; else we shall commit the same Crimes ourselves, which we must condemn in others.

His Majesty hath clearly and freely put himself into the Hands of this Parliament; and, I presume, there is not a Man in this House but feels himself advanced in this high Trust: But if he prosper no better in our Hands than he hath done in theirs, who have hitherto had the handling of his Affairs, we shall,

shall, for ever, make ourselves unworthy of so An. 16. Car. I.
gracious a Confidence. 1649.

‘I have often thought, and said, that it must be some great Extremity that would recover and rectify this State; and, when that Extremity did come, it would be a great Hazard whether it might prove a Remedy, or Ruin. We are now, Mr. Speaker, upon that vertical turning Point, and therefore it is no Time to palliate, to foment our own Undoing.

‘Let us set upon the Remedy, we must first know the Disease: But to discover the Diseases of the State is, according to some, to traduce the Government; yet others are of Opinion, that this is the Half-Way to the Cure.

‘His Majesty is wiser than they that have advised him, and therefore he cannot but see and feel their subverting destructive Counsels, which speak louder than I can speak of them; for they ring a doleful deadly Knell over the whole Kingdom. His Majesty best knows who they are; for us, let the Matters bolt out the Men; their Actions discover them. They are Men that talk largely of the King’s Service, have done none but their own; and that’s too evident. They speak highly of the King’s Power, but they have made it a miserable Power, that produceth nothing but Weakness both to the King and Kingdom. They have exhausted the King’s Revenue to the Bottom, nay through the Bottom, and beyond. They have spent vast Sums of Money wastefully, fruitlessly, dangerously: So that more Money, without other Counsels, will be but a swift Undoing. They have always, peremptorily, pursued one obstinate pernicious Course. First they bring Things to an Extremity, then they make that Extremity, of their own making, the Reason of their next Action, seven Times worse than the former; and there we are at this Instant. They have almost spoiled the best instituted Government in the World, for Sovereignty in a King, Liberty to the Subject; the proportionable Temper of both which, makes the happiest State for Power, for Riches, for Duration. They have unmannerly
and

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and slubbringly cast all their Projects, all their Machinations upon the King; which no wise or good Minister ever did, but would still take all harsh distasteful Things upon themselves, to clear, to sweeten their Master. They have not suffered his Majesty to appear unto his People in his own native Goodness. They have eclipsed him by their Interposition; altho' gross condense Bodies may obscure and hinder the Sun from shining out, yet is he still the same in his own Splendor: And when they are removed, all Creatures under him are directed by his Light, comforted by his Beams: But they have framed a superstitious seeming Maxim of State for their own Turn, 'That if a King will suffer Men to be torn from him, he shall never have any good Service done him:' When the plain Truth is, that this is the surest Way to preserve a King from having ill Servants about him. And the Divine Truth likewise is, *Take away the Wicked from before the King, and his Throne shall be established.*

'Mr. Speaker, Now we see what the Sores are in general, and when more Particulars appear, let us be very careful to draw out the Cores of them; not to skin them over with a slight, suppurating, festring Cure, lest they break out again into a greater Mischief; consider of it, consult and speak your Minds.

'It hath heretofore been boasted, 'That the King should never call a Parliament till he had no Need of his People.' These were Words of Division and Malignity. The King must always, according to his Occasions, have Use of his People's Power, Hearts, Hands, Purses. The People will always have Need of the King's Clemency, Justice, Protection: And this Reciprocation is the strongest, the sweetest Union.

'It hath been said too, of late, 'That a Parliament will take more from the King than they will give him.' It may be well said, that those Things which will fall away of themselves, will enable the Subjects to give him more than can be taken any way else. Projects and Monopolies are but leak-

leaking Conduit-Pipes; the *Exchequer* itself, at the fullest, is but a Cistern, and now a broken one; frequent Parliaments only are the Fountain: And I do not doubt but in this Parliament, as we shall be free in our Advices, so shall we be the more free of our Purves, that his Majesty may experimentally find the real Difference of better Counsels, the true solid Grounds of raising and establishing his Greatness, never to be brought again (by God's Blessing) to such dangerous, such desperate Perplexities.

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'Mr. Speaker, I confess I have now gone in a Way much against my Nature, and somewhat against my Custom heretofore used in this Place; but the deplorable, dismal Condition both of Church and State have so far wrought upon my Judgment, as it hath convinced my Disposition: Yet I am not *Vir Sanguinum*, I love no Man's Ruin; I thank God, I neither hate any Man's Person, nor envy any Man's good Fortune; only I am zealous for a thorough Reformation in a Time that exacts it, that extorts it; which I humbly beseech this House may be done with as much Lenity, and as much Moderation, as the public Safety of the King and Kingdom can possibly admit.'

Sir John Holland, Member for *Castle-Rising*, in *Norfolk*, spoke to the following Effect:

Mr. Speaker,

THE Time of Actions are not for Rhetorick and Elocution, which emboldens me to rise: And tho' I must acknowledge myself to be one of the youngest Scholars, and meanest Proficients in this great School of Wisdom, yet I conceive it a great Part of my Duty, at this Time, both to deliver my Suit and Conscience.

Sir John Hol-
land,

'We are called hither, Mr. Speaker, by the Royal Power; we sit here by the King's Majesty's Grace and Favour; and since his Majesty hath been graciously pleased to leave the Government of all in our Hands, I doubt not but we shall lay such a Foundation in the Beginning of this Parliament,

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ment, that we shall make it a happy Age, and a long and lasting one: Since the Dangers of these Times, the present Distempers of this State, and therein both his Majesty's and our Necessities, yea and the whole Kingdom's Safety, do require it.

' We are now called, Mr. Speaker, as I conceive from the Reports you have made of his Majesty's gracious Declaration, for four principal Causes: *1st*, For Supply of his Majesty's Wants. *2dly*, For the Relief of our Brethren in the Northern Parts. *3dly*, For the Remove of the *Scots* Forces. *4thly*, For Redress of our own Grievances. That his Majesty's Wants are great and many, Mr. Speaker, I think there is no Man doubts it; and it is as certain our Grievances are so too; they are great and many both in Church and Commonwealth: I shall but touch them in either, since they have been so fully remonstrated in both.

1st, ' In the Church; by the usurping Power of some Prelates, and their Adherents; by which Means many great Dangers, Innovations of Doctrines, of Discipline, and of Government have been thrust upon us.

2dly, ' In the Church; by public Sufferances of *Priests* and *Jesuits* to come into the Land; by which Means the Number of *Romish Catholics* are dangerously multiplied, Idolatry increased, and God's heavy Judgments highly provoked.

3dly, ' In the Commonwealth; by the late Inundations of the Prerogative Royal, which have broken out, and almost overturn'd all our Liberties, even those which have been best and strongest fortified: The *Grand Charter* itself, Mr. Speaker; that which hath been so oft, so solemnly confirmed in the Succession of so many Princes, ratified in his Majesty's Name, founded by the Wisdom of former Ages, purposely to keep the Beam over and between Sovereignty; even this, Mr. Speaker, the dearest and chiefest Part of our Inheritance, hath been infringed, broken, and set at nought in the Commonwealth, by the Over-potency of some Great ones, secret Counsellors of State; by whose Advice,

vice, it is thought, the greatest Part of these present An. 16. Car. I.
Distempers, under which the Body of this Com- 1640.
mon-Wealth at this Time labours, do derive their
Originals.

4thly, ' In the Common-Wealth ; by the mischievous Practices and Policies of some subtle Projectors ; who, under the Title of the King's Profit and the Public Good, have intitled themselves to great and vast Estates, and that to the Damage of the whole Kingdom. They are, Mr. Speaker, the very Moths and Cankers that have fretten and eaten out all the Trade and Commerce, the very Beauty, Strength and Health of this famous Island.

' In the Common-Wealth, by the Entertainment of Foreigners and Strangers, and that at his Majesty's excessive Charge ; by which Means his Majesty's Coffers are empty, his Revenues shortened, and the whole Kingdom many other Ways oppressed. But, Mr. Speaker, I shall not trouble myself any farther in so vast, so large a Field ; I shall now represent my own weak Apprehensions, for our Progression in all the Particulars for which we have been called, and in all Humility submit them unto you.

1st, ' Of Supply in his Majesty's Wants ; I do humbly desire we may proceed therewith in its due Time, and that with as much loyal Duty and Liberality as ever any People expressed towards their Prince. I think I may say the present Affairs of the Kingdom do require it.

2dly, ' For the Relief of our Brethren in the Northern Parts ; with a Sense of Charity, and Fellow-feeling of their Miseries, Afflictions, and Losses.

3dly, ' In removing of the Scots Army with a soft and gentle Mediation, Pacification, and Reconciliation, if possibly it may be wrought with his Majesty's Honour, and the Kingdom's Safety ; if not, then to repel and repulse them with stout and resolute Spirits, with valiant and united Hearts and Hands, such as will best suit with our Duty to God, our King, our Country ; such as shall best become his Honour, and the antient Renown of this *English* Nation.

4thly,

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4thly, 'In redress of our Grievances in those of the Church, which ought to have Priority in our Consultation, as well in respect of Necessity as Dignity. In these, Mr. Speaker, I do humbly desire, and doubt not but we shall proceed with all true Piety, and well-grounded Zeal guiding us towards God's House, and his Truth. In those of the Commonalty, with a religious Care of our Country's Freedom; in the faithful Performance of the Trust reposed in us by them that sent us; in the Preservation of our Rights, our Liberties, our Privileges, and our Properties.

'Yet in all, Mr. Speaker, I do humbly desire we may proceed as best suiting the Matter and Condition of these distempered Times, or as best becoming the Honour, Dignity, and Wisdom of this so great a Court, so great a Council, with all Temper, Modesty, and all due Moderation.'

Mr. *Bagshaw*, Member for *Southwark*, closed this Debate with the following Speech (a):

Mr. Speaker,

Mr. *Bagshaw*.

'I Had rather act than speak in those weighty Businesses of the Kingdom, which have been so excellently handled by the three worthy Gentlemen that spoke last, and therefore I shall be short. For when I look upon the Body of this goodly and flourishing Kingdom in Matters of Religion, and of our Laws (for, like *Hippocrates's* Twins, they live and die together); I say when I behold these in that State and Plight, as they have been represented to us, *ferre magis libet quam dicere*: But this is our Comfort, Mr. Speaker, that we are all met together for the Welfare and Happiness of Prince and People; and who knows whether this may not be the appointed Time, wherein God will restore our Religion as at the first, and our Laws as at the Beginning.

'The (a) Dr. *Nalson*, in the First Volume of his *Collections*, has given us a Speech of Sir *Edward Hales's*; but, in the Preface to his *Second*, retracts it as an Imposition upon that Gentleman and the Public.

‘ The Honour of a King consisteth in the Wealth of his People: This undoubted Maxim his Majesty hath made good by his late gracious Speech and Promise to us to redress all our Grievances, to destroy the Enemies of our Peace and Plenty. An. 16. Car. I.
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‘ To make a People rich, they must have Ease and Justice: Ease in their Consciences from the Bane of Superstition, from the intolerable Burthen of Innovation in Religion, and from the Racks and Tortures of strange and newfangled Oaths: They must be eased in their Persons, being *liberi Homines* and not *Villani*, from all illegal Arrests and Imprisonment against *Magna Charta*, being our greatest Liberties. They must be eased in their Lands, from Forests, where never any Deer fed; from Depopulations, where never any Farm was decayed; and from Inclosures, where never any Hedges were set. And must, lastly, be eased in their Goods from the Exactions and Expilations of Pursuivants and Apparitors, of Projectors and Monopolists, *Humanarum Calamitatum Mercatores*, as an Antient finely calls them. But if the People have all these Easements, yet, if they have not Justice, they cannot subsist: Justice is to the civil Body as Food to the natural; if the Streams of Justice be, by Unrighteousness, turned into Gall and Wormwood, or by Cruelty, like the *Egyptian Waters*, be turned into Blood; those who drink of these Brooks must needs die and perish.

‘ The Law saith, That all Justice is in the King; who is stiled in our Books, *Fons Justitiæ*, and he commits it to his Judges for the Execution; wherein he trusts them with two of the chiefest Flowers which belong to his Crown, the Administration of his Justice, and the Exposition of his Laws; but he will not trust them without an Oath required of them, by the Statute of 18. *Edw. III.* which is so strict and severe, that it made a Judge, whom I know, tho’ honest and strict, yet to quake and tremble at the very Mention of it. The Effect of the Oath is, That they should do equal Law and Execution of Right to all the King’s Subjects, poor

as

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as well as rich, without Regard of any Person: That they should not deny to do common Right to any Man by the King's Letters, nor for any other Cause: And in case such Letters do come, that they proceed to do the Law notwithstanding such Letters, or for any other Causes, as they will answer to the King in Bodies, Goods, and Lands: How this Oath hath been performed, we have seen and felt, I need say no more. But when I cast mine Eyes upon the inferior Courts of Justice, wherein no such Oath is required, I mean the High Commission, and other Ecclesiastical Courts, my Soul hath bled for the wrong Pressures, which I have observed to have been done and committed in these Courts against the King's good People, especially for the most monstrous Abuse of the Oath *ex Officio*; which, as it is now used, I can cail no other than *Carnificina Conscientia*. I have some Reason to know this, that have been an Attendant to the Court these five Years for myself and a dear Friend of mine, sometime Knight for our Shire, for a meer trivial Business; that the most that could be proved against him, was the putting on his Hat in the Time of Sermon. Of which Court I shall say more, and make good what I say, when those Ulcers come to be opened.

Mr. Speaker, I say these three Worthies, that spake before me, have told you of our Miseries; but I cannot tell you of the Remedies: For Things are come to that Height, that I may say, as *Livy* said of the *Roman State* in his Time, *Nec Vitia nostra scire possumus nec Remedia*; for no Laws will now do us good. Better Laws could not have been made than the Statute of *Monopolies* against *Projectors*, and the *Petition of Right* against the Infringers of Liberties; and yet, as if the Law had been the Author of them, there hath been, within these few Years, more Monopolies and Infringement of Liberties, than have been in any Age since the Conquest; and if all those vile Harlots, as *Queen Elizabeth* called them, that have been the Authors of those Evils, and the Troublers of our *Israel*, do go un-

unpunished, it will never be better with us; for An. 16. Car. I.
now, during Parliament, like frozen Snakes, their 1640.
Poison dries up; but let the Parliament dissolve,
and then their Poison melts and scatters abroad, and
doth more Hurt than ever. What then must be
done? Why, what the Plaister cannot do, must be
done by the Saw;

Ense recidendum est, ne Pars sincera trahatur.

I cannot better *English* it, than in the Words of a
King, *Let them be cut off in their Wickedness that
have framed Mischief as a Law.* My Conclusion,
Mr. Speaker, is this, Let the woful Violation of
the Statute of Monopolies and the Petition of Right be
made Felony, or Premunire at the least; but yet,
in the Interim, let them be made Examples of Pu-
nishment, who have been the Authors of all those
Miseries, according to the Counsel of Solomon,
*Take away the Wicked from before the King, and
his Throne shall be established in Righteousness.*

On the 9th of November, the House resumed the
Affair of Grievances: Upon this Occasion the Lord
Digby, eldest Son of the Earl of Bristol, and Mem-
ber for the County of Dorset, spoke as follows:

Mr. Speaker,

YOU have received now a solemn Account Lord Digby.
from most of the Shires of *England*, of the
several Grievances and Oppressions they sustain, and
nothing as yet from *Dorsetshire*. Sir, I would not
have you think that I serve for a Land of *Goshen*;
that we live there in Sun-shine, whilst Darknes
and Plagues overspread the rest of the Land. As
little would I have you think, that being under the
same sharp Measure as the rest, we are either insen-
sible or benumbed, or that that Shire wanteth a
Servant to represent its Sufferings boldly.

It is true, Mr. Speaker, the County of *Dorset*
hath not digested its Complaints into that formal
Way of Petition, which others, I see, have done;
but have intrusted them to my Partners, and my
De-

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Delivery of them, by Word of Mouth, to, this Honourable House. And there was given unto us, in the County-Court, the Day of our Election, a short Memorial of the Heads of them, which was read in the Hearing of the Free-holders there present, who all unanimously, with one Voice, signified upon each Particular, that it was their Desire, that we should represent them to the Parliament; which, with your Leave, I shall do, and these they are:

First, 'The great and intolerable Burthen of Ship-Money, touching the Legality whereof they are unsatisfied.

Secondly, 'The many great Abuses in pressing of Soldiers, and raising Monies concerning the same.

Thirdly, 'The Multitude of Monopolies.

Fourthly, 'The new Canon, and the Oath to be taken by Lawyers, Divines, &c.

Fifthly, 'The Oath required to be taken by Church-Officers, to present according to Articles new and unusual.

Besides this, there was likewise presented to us, by a very considerable part of the Clergy of that Country, a Note of Remembrance containing these two Particulars:

First, 'The Imposition of the new Oath required to be taken by all Ministers and others; which they conceive to be illegal, and such as they cannot take with a good Conscience.

Secondly, 'The requiring of a pretended *Benevolence*, but, in effect, a *Subsidy*, under the Penalty of Suspension, Excommunication, and Deprivation, all Benefit of Appeal excluded.

'This is all we had particularly in charge; but, that I may not appear a remiss Servant of my Country and of this House, give me Leave to add somewhat of my own Sense.

'Truly, Mr. Speaker, the injurious Sufferings of some worthy Members of this House, since the Dissolution of the two last Parliaments, are so fresh in my Memory, that I was resolved not to open my Mouth in any Business, wherein Freedom and plain Deal-

Dealing were requisite, untill such Time as the An. 16. Car. I.
Breach of our Privileges were vindicated, and the 1649.
Safety of Speech settled.

But since such excellent Members of our House thought fit, the other Day, to lay aside that Caution, and to discharge their Souls so freely in the Way of Zeal to his Majesty's Service, and their Country's Good; I shall interpret that Confidence of theirs for a lucky Omen to this Parliament, and, with your Permission, licence my Thoughts too a little.

' Mr. Speaker, under those Heads which I proposed to you, as the Grievances of *Dorsetshire*, I suppose are comprized the greatest Part of the Mischiefs which have, of late Years, laid Battery either to our Estates or Consciences.

' Sir, I do not conceive this the fit Season to search and ventilate Particulars, yet I profess I cannot forbear to add somewhat to what was said, the last Day, by a learned Gentleman of the long Robe, concerning the Acts of that reverend new Synod, made of an old Convocation. Doth not every Parliament-Man's Heart rise to see the Prelates thus usurp to themselves the grand Pre-eminence of Parliament? The granting of *Subsidies*, and that under so preposterous a Name as of a *Benevolence*, for that which is a *Malevolence* indeed: A *Malevolence*, I am confident, in those that granted it, against Parliaments; and a *Malevolence* surely in those that refuse it, against those that granted it; for how can it incite less, when they see wrested from them what they are not willing to part with, under no less a Penalty than the Loss both of Heaven and Earth; of Heaven, by Excommunication; and of the Earth, by Deprivation; and this without Redemption by Appeal? What good Christian can think with Patience on such an ensnaring Oath, as that which is, by the new Canons, enjoin'd to be taken by all Ministers, Lawyers, Physicians, and Graduates in the Universities? Where, besides the swearing such an Impertinence, as that Things necessary to Salvation are contained in Discipline; besides the swearing those to be of divine Right, which

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amongst the learned never pretended to it, as the arch Things in our Hierarchy ; besides the swearing not to consent to the Change of that, which the State may, upon great Reason, think fit to alter ; besides the bottomless Perjury of an *Etcætera* ; besides all this, Mr Speaker, Men must swear that they swear freely and voluntarily what they are compelled unto ; and, lastly, that they swear that Oath in the literal Sense, whereof no two of the Makers themselves, that I have heard of, could ever agree in the understanding.

‘ In a Word, Mr. Speaker, to tell you my Opinion of this Oath, it is a Covenant against the King for Bishops and Hierarchy, as the *Scots* Covenant is against them ; only so much worse than the *Scots*, as they admit not of the Supremacy in Ecclesiastical Affairs, and we are sworn unto it.

‘ Now, Mr. Speaker, for those particular Heads of Grievances, whereby our Estates and Properties are so radically invaded ; I suppose, as I said before, that it is no Season now to enter into a strict Discussion of them ; only thus much I shall say of them, with Application to the Country for which I serve, that none can more justly complain ; since none can more justly challenge Exemption from such Burdens than *Dorsetshire*, whether you consider it as a County subsisting much by Trade, or as none of the most populous, or as exposed as much as any to foreign Invasion.

‘ But, alas ! Mr. Speaker, particular Lamentations are hardly distinguishable in universal Groans.

‘ Mr. Speaker, it hath been a Metaphor frequent in Parliament ; and, if my Memory fail me not, was made use of in the Lord Keeper’s Speech at the opening of the last, ‘ That what Money Kings raised from their Subjects, it was but as Vapours drawn up from the Earth by the Sun, to be distilled upon it again in fructifying Showers.’ The Comparison, Mr. Speaker, hath held of late Years, in this Kingdom, too unluckily ; what hath been raised from the Subject by those violent Attractions, hath been formed, it is true, into Clouds ; but how ?

To

To darken the Sun's own Lustre, and hath fallen again upon the Land only in Hailstones and Miledews, to batter and prostrate still more and more our Liberties, to blast and wither our Affections; had not the latter of these been still kept alive by our King's own personal Virtues, which will ever preserve him, in spite of all ill Counsellors, a sacred Object both of our Admiration and Love.

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Mr. Speaker, it hath been often said in this House, and, I think, can never be too often repeated, *That the Kings of England can do no Wrong*: But tho' they could, Mr. Speaker, yet Princes have no Part in the ill of those Actions which their Judges assure them to be just; their Counsellors, that they are prudent; and their Divines, that they are conscientious.

This Consideration, Mr. Speaker, leadeth me to that which is more necessary far, at this Season, than any farther laying open of our Miseries; that is, the Way to the Remedy, by seeking to remove from our Sovereign such unjust Judges, such pernicious Counsellors, and such disconscient Divines, as have, of late Years, by their wicked Practices, provoked Aspersions upon the Government of the gracious and best of Kings.

Mr. Speaker, let me not be misunderstood; I level at no Man with a fore-laid Design; let the Faults, and those well proved, lead us to the Men: It is the only true Parliamentary Method, and the only fit one to incline our Sovereign: For it can no more consist with a gracious and righteous Prince to expose his Servants upon irregular Prejudices, than with a wise Prince to withhold Malefactors, how great soever, from the Course of orderly Justice.

Let me acquaint you, Mr. Speaker, with an Aphorism in *Hippocrates*, no less authentic, I think, in the Body politic, than in the natural; this it is, Mr. Speaker, *Bodies, to be thoroughly and effectually purged, must have their Humours first made fluid and moveable*. The Humours, that I understand to have caused all the desperate Maladies of this Nation,

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I are the ill Ministers: To purge them away clearly; they must be first loosened, unsettled, and extenuated; which can no way be effected with a gracious Master, but by truly representing them unworthy of his Protection. And this leadeth me to my Motion, which is, That a select Committee may be appointed, to draw, out of all that hath here been represented, such a Remonstrance as may be a faithful and lively Representation unto his Majesty of the deplorable Estate of this his Kingdom; and such as may happily point out unto his clear and excellent Judgment, the pernicious Authors of it: And that this Remonstrance being drawn, we may, with all Speed, repair to the Lords, and desire them to join with us in it. And this is my humble Motion.'

The same Day Sir *John Colepeper*, one of the Knights of the Shire for *Kent*, spoke as follows:

Mr. Speaker,

Sir John Colepeper.

I Stand not up with a Petition in my Hand. I have it in my Mouth; and have it in charge from them that sent me hither, humbly to present to the Consideration of this House the Grievances of the County of *Kent*. I shall only sum them up, and they are these (p):

First, 'The great Increase of *Papists*, by the remiss Execution of those Laws which were made to suppress them. The Life of the Laws is Execution; without this they become a dead Letter: This is wanting, and is a great Grievance.

Secondly, 'The obtruding and countenancing of divers new Ceremonies in Matters of Religion; as, placing the Communion-Table Altar-wise, and bowing or cringing to or towards it; the refusing of the holy Sacrament to such as refuse to come up to the Rails: These carry with them some Scandal, and much Offence.

Thirdly,

(p) In the *Journals of the Commons* for this Day, is this Entry, 'Sir *John Colepeper* represented the Grievances of *Kent* by Word of Mouth.'

Thirdly, 'Military Charges; and therein, 1st, An. 16. Car. I. 1640. that of Coat and Conduct-Money, required as a Loan, or pressed as a Due; in each respect equally a Grievance. 2^{dly}, The enhancing the Price of Powder; whereby the Train'd Bands are much discouraged in their Exercising: However little this may seem *prima facie*, yet, upon due Examination, it will appear a great Grievance. The *third* is more particular to our County; it is this, The last Summer was twelvemonth, 1000 of our best Arms were taken from the Owners, and sent into Scotland. The compulsory Way was this, *If you will not send your Arms, you shall go yourselves.* Mr. Speaker, the Train'd Band is a Militia of great Strength and Honour, without Charges to the King, and deserves all due Encouragement.

Fourthly, 'The Canons: I assign these to be a Grievance, 1st, In respect of the Matter, besides the *Etcetera* Oath. 2^{dly}, In respect of the Makers; they were chosen to serve in a Convocation; that falling with the Parliament, the Scene was altered; the same Men, without any new Election, shuffled into a sacred Synod. 3^{dly}, In respect of the Consequence; which, in this Age, when the second ill Precedent becomes a Law, is full of Danger. The Clergy, without Confirmation of a Parliament, have assumed unto themselves Power to make Laws, to grant Relief by the Name of *Benevolence*, and to intermeddle with our Freehold by Suspensions and Deprivation. This is a Grievance of a high Nature.

Fifthly, 'Ship-Money: This cries aloud: I may say, I hope without Offence, this strikes the First-born of every Family, I mean our Inheritance. If the Laws give the King Power, in any Danger of the Kingdom, whereof he is Judge, to impose what and when he pleases, we owe all that is left to the Goodness of the King, not to the Law. Mr. Speaker, this makes the Farmers faint, and the Plough to go heavy.

Sixthly, 'The great Decay of Cloathing and Fall of our Woolls: These are the golden Mines

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An. 16. Car. 1. of England, which give a Foundation to that
1640. Trade which we drive with all the World. I

know there are many Stars concur in this Constellation; I will not trouble you with more than one Cause of it, which I dare affirm to be the greatest; it is the great Customs and Impositions laid upon our Cloths and new Draperies. I speak not this with a Wish to lessen the King's Revenues, so it be done by Parliament; I shall give my Voice to lay more Charge upon the Superfluities (due Regard being had to Trade) which we import from all other Nations: Sure I am that these Impositions upon our native Commodities are dangerous, and give Liberty to our Neighbours to undersell: And I take it for a Rule, that besides our Loss in Trade, which is five Times as much as the King receiveth, what is imposed upon our Cloths is taken from the Rent of our Lands.

‘ I have but one Grievance more to offer unto you; but this one compriseth many: It is a Nest of Wasps, or Swarm of Vermine, which have overcrept the Land, I mean the *Monopolers* and *Poters* of the People: These, like the Frogs of *Egypt*, have got Possession of our Dwellings, and we have scarce a Room free from them: They sip in our Cup, they dip in our Dish, they sit by our Fire; we find them in the Dye-Vat, Wash-Bowl, and Powdering-Tub; they share with the Butler in his Box, they have marked and sealed us from Head to Foot. Mr. Speaker, they will not bate us a Pin: We may not buy our own Cloaths without their Brokage. These are the Leeches that have suck'd the Common-Wealth so hard, that it is almost become heetical. And, Mr. Speaker, some of these are ashamed of their right Names; they have a Vizard to hide the Brand made by that good Law in the last Parliament of King *James*; they shelter themselves under the Name of a Corporation; they make Bye-laws, which serve their Turns to squeeze us, and fill their Purses: Unface these, and they will prove as bad Cards as any in the Pack.
These

These are not petty Chapmen, but Wholesale-men. An. 16. Car. 1.
 Mr. Speaker, I have ecchoed to you the Cries of 1640.
 the Kingdom; I will tell you their Hopes; they
 look to Heaven for a Blessing upon this Parliament;
 they hang upon his Majesty's exemplary Piety and
 great Justice, which renders his Ears open to the
 just Complaints of his Subjects; and we have had late-
 ly a gracious Assurance of it. It is the wise Conduct
 of this Parliament, whereby the other great Af-
 fairs of the Kingdom, and these our Grievances, of
 no less Import, may go hand-in-hand, in Prepara-
 tion and Resolution; then, by the Blessing of God,
 we shall return home with an Olive Branch in our
 Mouths, and a full Confirmation of the Privileges
 which we received from our Ancestors, and owe to
 our Posterity; which every free-born *Englishman*
 hath received with the Air he breathed in. These
 are our Hopes: These are our Prayers.'

Mr. *Grimston*, Member for *Colchester*, spoke next
 on this Occasion.

Mr. *Speaker*,

'THESE Petitions, which have been now read, Mr. *Grimston*,
 are all of them Remonstrances of the gene-
 ral and universal Grievances and Distempers, that are
 now in the State and Government of the Church
 and Common-Wealth: And they are not these
 alone, but his Majesty's gracious Expressions the
 first Day of Parliament, that call me up to speak
 at this present, contrary to my own Intentions.

'Mr. *Speaker*, his Majesty, who is the Head of
 the Body Politic, and the Father of the Common-
 Wealth, hath complained first, declaring his Sen-
 sibility of our Sufferings; and, amongst other
 Things, hath put us in Mind of our Grievances;
 and hath freely left it to ourselves, for our Redress
 and Repair therein, to begin and end as we shall
 think fit. And this draws me on, with much Cheer-
 fulness and Zeal, to contribute my poor Endeav-
 ours to so great a Work.

'And,

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And, Mr. Speaker, I conceive it will not be altogether impertinent, for your Direction and Guidance in that great Place, which, by the Favour of his Majesty and this House, you now possess, a little to recollect ourselves in the Remembrance of what was done the last Parliament, and where we ended.

It will likewise be very considerable what hath been done since that Parliament, and who they are that have been the Authors and Causers of all our Miseries and Distractions, both before and since.

Mr. Speaker, in the last Parliament, as soon as the House was settled, a Subsidiary Aid and Supply was propounded, and many Arguments used to give it Precedency before all other Matters and Considerations whatever.

On the other Side, a Multitude of Complaints and Grievances of all Sorts, as well concerning our eternal as our temporal Estates, were presented, and put in the other Balance: The Wisdom of that great Council, weighing both indifferently, and looking not only at the Dangers then threatened from *Scotland*, which are now upon us; but likewise taking into their Consideration the Condition and Constitution of the present Government here at home, concluded that they were in no Capacity to give, unless their Grievances were first redressed and removed.

For, Mr. Speaker, it then was, and still is, most manifest and apparent, that, by some Judgments lately obtained in Courts of Justice, and by some new Ways of Government lately started up amongst us, the Law of Property is so much shaken, that no Man can say he is Master of any Thing; but all that we have we hold as Tenants, by Courtesy and at Will, and may be stripped of it at Pleasure.

Yet, Mr. Speaker, desirous to give his Majesty all possible Satisfaction and Contentment, as well in the Manner of Supply for Expedition, as in the Substance and Matter of it, we confined and limited
ours

ourselves but to three Particulars only, and to such Matter as, properly and naturally, should have Reference and Relation to these three Heads, An. 16. Car. 1.
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- 1st, *The Privileges of Parliament.*
- 2dly, *Matters of Religion.*
- 3dly, *The Property of our Goods and Estates.*

And we began with the first, as the great Ark in which the other two, *Religion* and *Property*, are included and preserved.

Mr. Speaker, the Violations complained of the last Parliament, touching our Privileges, were of two Sorts; either such as had been done in Parliament, or out of Parliament.

Concerning the Violations of the first Sort, it was resolved, by Vote, That the Speaker's refusing to put a Question, being thereunto required by the House, or to adjourn the House upon any Command whatsoever, without the Consent and Approbation of the House itself, were Breaches and Violations that highly impeached our Privileges.

And, having passed that Vote, I conceive it were fit we should now proceed a little further, and consider of a Way how to be repaired against them that have been the Violaters: For Execution does

animare Legem. The putting of an old Law in Execution, you know, Mr. Speaker, does oftentimes do more good than the making of a new one.

As concerning Violations of another Sort, done out of Parliament, in Courts of Justice, and at the Council-Board, where neither our Persons nor our Proceedings ought to have been controlled or meddled withall; and as concerning Matters of Religion, and the Property of our Goods and Estates, there were divers Things then likewise agreed on by Vote, whereupon a Conference was desired to have been held with the Lords: But what Interjections and Rubs we met withall by the Way, and how the Lords controverted the Precedency of our Grievances, and how our Speaker was taken away from amongst us, and what an unhappy Conclusion we had at the last, the Remembrance of it were a Subject too sad to begin another Parliament with.

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withall. Therefore, Mr. Speaker, I shall pass from what was done the last Parliament, and come to what hath been done since that Parliament ended.

‘ Mr. Speaker, there are some worthy Gentlemen now of this House, that were Members of the last Parliament, that carried themselves in the Matters and Businesses then and there agitated and debated, with great Wisdom, and unexampled Moderation. But what had they at last for all their Pains, in attending the public Service of the Common-Wealth? Why, as soon as ever the Parliament was ended, their Studies and Pockets were searched, as if they had been Felons and Traitors; and they committed to several Goals; with an Intention, I am confident, of their utter Ruin and Destruction, had they not foreseen a Danger approaching; for, Mr. Speaker, if I be truly informed, an Information was drawn, or at least Directions given for the drawing of it, against them in the *Star-Chamber*.

‘ Mr. Speaker, there hath been, since the last Parliament, a Synod; and in that Synod a new Oath hath been made and framed, and enjoined to be taken.

‘ Mr. Speaker, they might as well have made a new Law, and enjoined the Execution of that, as enjoined and urged the taking of the other, not being established by Act of Parliament; and, in point of Mischief, the Safety of the Common-Wealth, and the Freedom and Liberties of the Subject, are more concerned in the doing of the one, than if they had done the other.

‘ The next Exception I shall take to it, is to the Matter contained in the Oath itself.

‘ Mr. Speaker, they would have us, at the very first Dash, swear to a damnable Heresy, that Matters necessary to Salvation are contained in the Discipline of our Church: Whereas, Mr. Speaker, it hath ever been the Tenet of our Church, That all Things necessary to Salvation are comprehended and contained in the Doctrine of our Church only; and that hath always been used as an Argument, untill this very present, against Anti-Disciplinarians,

to stop their Mouths withall ; and therefore, for that Reason, they might, with the less Regret and Offence, conform and submit themselves to the Discipline of our Church.

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‘ And, Mr. Speaker, for Prevention, in case the Wisdom of the State, in this great Council, should at any Time think fit to alter any thing in the Government of our Church, they would anticipate and forestal our Judgments ; by making us swear, beforehand, That we would never give our Consent to any Alteration.

‘ Nay, Mr. Speaker, they go a little further ; for they would have us swear, That the Government of the Church by Archbishops, Bishops, Deans, Archdeacons, &c. is *jure divino*, their Words are, *As of Right it ought to stand*: Whereas, Mr. Speaker, we meet not with the Name of an Archbishop or a Dean, or an Archdeacon, in all the New Testament. And whatsoever may be said of the Function of Bishops, it is one Thing ; but for their Jurisdiction, it is merely *humana Institutione*, and they must thank the King for it.

‘ As for their gross and absurd *Etcetera*, wherein they would have Men swear they know neither what, nor how many Fathom deep: There is neither Divinity nor Charity in it, and yet they would put that upon us.

‘ Mr. Speaker, what they meant and intended by this new Oath, and their Book of Canons, and their Book of Articles, which they would have our Church-Wardens sworn unto, to inquire of, and to present thereupon, I must confess I know not ; unless they had a Purpose therein to blow up the *Protestant Religion*, and all the faithful Professors of it, and to advance their Hierarchy a Step higher ; which, I suppose, we all fear is high enough already.

‘ Mr. Speaker, they have likewise, in this Synod, granted a *Benevolence*, but the Nature of the Thing agrees not with the Name ; for, in plain *English*, it is *Six Subsidies*, to be paid by the Clergy in six Years ; And the Penalties they have imposed upon

An. 16. Car. 1. upon the Refusers, for Non-Payment, is to be deprived of their Functions, to be stripped of their Freehold, and to be excommunicated; and this Act of their Synod is not published amongst their Canons, for which they might have some colourable seeming Authority: But it comes out, in a Book by itself, in the *Latin* Tongue, supposing, as I conceive, that Laymen are as ignorant as they would have them; and so they dance in a Net.

And as in this, so in most of their new Canons, if they be thoroughly considered, any judicious Man may easily discern and perceive, that they do therein like Watermen, that look one Way and row another; they pretend one Thing, but intend nothing less: And certainly, Mr. Speaker, in this they have flown a high Pitch; for a Synod called together upon Pretence of reconciling and settling Controversies and Matters in Religion, to take upon them the Boldness thus, out of Parliament, to grant *Subsidies*, and to meddle with Men's Freeholds, I dare say the like was never heard of before; and they that durst do this will do worse, if the Current of their raging Tyranny be not stopped in Time.

Who are they, Mr. Speaker, that have countenanced and cherished *Papery* and *Arminianism* to that Growth and Height it is now come to in this Kingdom?

Who are they, Mr. Speaker, that have given Encouragement to those that have boldly preached those damnable Heresies in our Pulpits?

Who are they, Mr. Speaker, that have given Authority and Licence to them that have published those Heresies in Print?

Who are they, Mr. Speaker, that, of late Days, have been advanced to any Dignity or Preferment in the Church, but such as have been notoriously suspicious in their Discipline, corrupt in their Doctrine, and, for the most part, vitious in their Lives?

And who are they, Mr. Speaker, that have overthrown our two great Charters, *Magna Charta*, and *Charta de Foresta*?

What

‘What Imposition hath been laid down, or what Monopoly hath been damned, in any Court of Justice since the last Parliament?’ An. 16. Car. 1.
1640.

‘Hath not Ship-Money, Coat and Conduct-Money, and Money for other Military Charges, been collected and levied with as great Violence as ever they were; in Violation of our Liberties, confirmed unto us in our *Petition of Right*, notwithstanding our Supplications and Complaints the last Parliament?’

‘And who are they, Mr. Speaker, that have caused all those dangerous Convulsions, and all the desperate, unnatural, bloody Distempers that are now in our Body Politic?’

‘Mr. Speaker, I will tell you a Passage I heard from a Judge in the *King’s-Bench*. There was a poor Man committed by the Lords of the Council, for refusing to submit to a Project; and having attended a long Time at the *King’s-Bench* Bar, upon his *Habeas Corpus*, and, at last, pressing very earnestly to be bailed, the Judge said to the rest of his Brethren, Come, Brethren, said he, let us bail him, for they begin to say in Town, that the Judges have overthrown the Law, and the Bishops the Gospel.’

‘Mr. Speaker, I would not be misunderstood in what I have said, for there are some of both Functions and Professions, that I highly honour and reverence in my Heart, for their Wisdoms and Integrity: But, Mr. Speaker, I may say it, for I am sure we have all felt it, that there are some of both Functions and Professions that have been the Authors and Causers of all the Miseries, Ruins, and Calamities that are now upon us.’

‘Mr. Speaker, this is the Age; this is the Age, Mr. Speaker, that hath produced and brought forth *Achitophells*, *Hamans*, *Woolfies*, *Empsons* and *Dudlies*, *Tresilians* and *Belknapps*, Vipers and Monsters of all Sorts. And I doubt not but, when his Majesty shall be truly informed of such Matters as we are able to charge them withall, we shall have the same Justice against these which heretofore hath been against their Predecessors, in whole wicked Steps

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An. 16. Car. I.
1640.

I. Steps they have trodden. And therefore, Mr. Speaker, to put ourselves into a Way for our Redress and Relief, I conceive it were fit that a Committee might be named to take these Petitions that have now been read; and all others of the like Nature, into their Consideration; to the end that the Parties grieved may have just Repair for their Grievances; and that, out of them, Laws may be contrived and framed for the preventing of the like Mischiefs for the future.

On the 10th of *November* we meet with the following Speech of *Sir Edward Dering*, Member for *Kent*.

Mr. Speaker,

Sir Edward Dering.

YESTERDAY the great Affairs of this House did borrow all the Time allotted to the grand Committee for Religion. I am sorry that having but half a Day in a whole Week, we have lost that.

Mr. Speaker, it hath pleased God to put into the Heart of his Majesty (for the King's Heart is in the Hand of the Lord) once more to assemble us in a Senate, to consult upon the unhappy Distractions, the sad Dangers, and the much feared Ruins of this late flourishing Church and Kingdom. God be praised both for his Goodness, and for his Severity, whereby he hath impelled this Meeting; and humble Thanks unto his Majesty, whose parental Care of us his Subjects, is willing to relieve us.

The Sufferings that we have undergone are reducible to two Heads: The *first* concerning the Church: The *second* belonging to the *Common-Wealth*.

The *first* of these must have the first Fruits of this Parliament, as being the first in Weight and Worth, and more immediate to the Honour of God and his Glory; every Drachm whereof is worth the whole Weight of a Kingdom.

The *Common-Wealth*, it is true, is full of apparent Dangers. The Sword is come home unto us, and the two twin Nations, united together under

under one royal Head, Brethren together in the An. 16. Car. I.
Bowels and the Bosom of the same Island; and, 1640.
which is above all, imbande together with the
same Religion (I say the same Religion) are, by a de-
vilish Machination, like to be fatally embrued in each
other's Blood, ready to dig each other's Grave;
quantillum absuit?

‘ For other Grievances also, the poor dishear-
tened Subject sadly groans, not able to distinguish
betwixt Power and Law; and, with a weeping
Heart no question, hath prayed for this Hour; in
hope to be relieved, and to know hereafter whether
any Thing he hath, besides his poor Part and Por-
tion of the common Air he breathes, may be truly
called his own.

‘ These, Mr. Speaker, and many others do de-
serve, and must shortly have our deep Regard; but
suo Gradu, not in the first Place. There is *unum
necessarium* above all our worldly Sufferings and
Dangers, *Religion*, the immediate Service due unto
the Honour of Almighty God. And herein let us
all be confident, that all our Consultations will
prove unprosperous, if we put any Determination
before that of Religion.

‘ For my Part, let the Sword reach from the
North to the South, and a general Perdition of all
our remaining Right and Safety threaten us in open
View; it shall be so far from making me to decline
the first settling of Religion, that I shall ever ar-
gue, and rather conclude it thus. The more great,
the more imminent our Perils of this World are,
the stronger and quicker ought our Care to be for
the Glory of God and the pure Law of our Souls.

‘ If then, Mr. Speaker, it may pass with full
Allowance, that all our Cares may give way unto
the Treaty of Religion, I will reduce that also to
be considered under two Heads; first, of Ecclesi-
astic Persons, then of Ecclesiastic Causes. Let no
Man start or be affrighted at the imagined Length
of this Consultation; it will not, it cannot, take up
so much Time as it is worth. This is God's and
the

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An. 16. Car. 1. the King's, this is God's and the Kingdom's, nay,
1640. this is God's and the two Kingdoms Cause.

‘ And therefore, Mr. Speaker, my humble Motion is, That we may all of us seriously, speedily, and heartily, enter upon this, the best, the greatest, the most important Cause we can treat of.

‘ Now Mr. Speaker, in pursuit of my own Motion, and to make a little Entrance into this great Affair, I will present unto you the Petition of a poor oppressed Minister in the County of *Kent*: A Man orthodox in his Doctrine, conformable in his Life, and as laborious in the Ministry as any we have, or I do know.

‘ He is now a Sufferer, as all good Men are, under the general Obloquy of a *Puritan*; as, with other Things, was excellently delivered by that Silver Trumpet (g) at the Bar. The Pursuivant watches his Door, and divides him and his Cure afunder, to both their Grievs; for it is not with him, perhaps, as with some that set the Pursuivant at Work, glad of an Excuse to be out of their Pulpit; no, it is his Delight to preach.

‘ About a Week since I went over to *Lambeth*, to move that great Bishop (too great indeed) to take this Danger off from this Minister, and to recall the Pursuivant: And, withall, I did undertake for Mr. *Wilson* (for so your Petitioner is called) that he should answer his Accusers in any of the King's Courts at *Westminster*.

‘ The Bishop made me Answer, as near as I can remember. in *hæc Verba*, ‘ I am sure that he will not be absent from his Cure a Twelvemonth together, and then, I doubt not but once in a Year we shall have him.’

‘ This was all I could obtain; but I hope, by the Help of this House, before this Year of Threats run round, his Grace will either have more Grace, or no Grace at all: For our manifold Grievs do fill a mighty and a vast Circumference; yet so, that from every Part our Lines of Sorrow do lead unto him, and point at him the Center, from whence

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(g) Sir *Benjamin Rudyard*. See before, p. 69.

our Miseries in this Church, and many of them in An. 16. Car. I.
the Common-Wealth, do flow. 1640.

The same Day Sir *John Wray*, Member for *Lincolnshire*, made the following Speech:

Mr. Speaker (p).

IT was well observed by my Lord Keeper, 'That Sir John Wray, a multiplying Glass may deceive; but the right *English* Glass of the Common-Wealth, never.' In which I discern so comely and active a Motion, that, out of all Question, some great Work is here to be done, something extraordinary is here to be decreed; or else God and the King, beyond all our Expectations, at the last Breath, would never so soon have cemented us again, to meet in this great Council.

'Mr. Speaker, what an happy Sight will it be to see the King and his People accord? A threefold Cord is not easily broken; and I hope King *Charles's* threefold Kingdoms shall never be so divided, as to break in Pieces.

'Mr. Speaker, God knows the Divisions of *Great Britain* have half untwisted our long Union, and I fear God is angry with our national lukewarm Temper: The Zeal of his House hath not kindled that Flame in our Hearts, which our seeming good Actions have blown abroad; much like the walking of a Ghost or lifeless Body, which affrights many, but pleaseth no Beholder. *Omnia honesta Opera Voluntas inchoat*; It is the Heart, or Will, which gives the Beginning to every good Action, and I hope our constant Resolutions will be to settle Religion in its Splendor and Purity, by pulling *Dagon* from the Altar, and whipping the Buyers and Sellers out of the Temple; *Pars prima Bonitatis est velle fieri bonum*; the first Part of Goodness is to have the Will of being good.

'God knows all our Hearts, and takes Notice of our inward Resolutions, and for what Ends we come

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hither;

(p) From the original Edition, printed for Francis Constable, 1641.

An. 16. Car. I.
1640.

hither ; if to progagate and advance his Glory and Gospel, blessed shall this Parliament and Nation be, and then most happy we, whose God is the Lord ; all Things shall work together for our Good : For, Mr. Speaker, he that turns the Hearts of Kings like the Rivers of Waters, will make the King and his Kingdoms all of one Mind. Long live King *Charles the Great*, and his numerous Royal Issue, to defend the true Faith ; which will protect and keep him and his safe on his Father's Throne. Never King gave more full Content to his People, than his Majesty now hath done ; and, I hope, never Subjects came with better Hearts and Affections to their King and Country than we do. Let it then appear, Mr. Speaker, by our outward Actions and Practice, that our inward Obedience, both of Heart and Hand, is true, loyal, and current Coin, not false nor counterfeit ; for *Nemo veraciter dicit, vob, qui non facit illud quod potest* ; no Man truly says, I am in Will and Heart resolved, unless, according to his Ability, he endeavour to perform his Resolution ; which, to speak the Hearts of us all in this renowned Synod, I am confident is fully fixed upon the true Reformation of all Disorders and Innovations in Church or Religion, and upon the well uniting and close rejoining of the, now, dislocated *Great Britain* : For, let me tell you, Mr. Speaker, that, God be thanked, it is but out of Joint, and may be yet well set by the skillful Surgeons of this Honourable House ; to whose loving and christian Care, and to whose tender and upright Hands I leave it, only with this Aviso, let brotherly Love continue, and be constant and of good Courage ; for the Keeper of *Israhel*, who neither slumbers nor sleeps, who delivered us from *Rome's November Powder-Blast*, will, no doubt, still preserve his Anointed, our gracious King, and us, his loyal Subjects, from all Dangers of Fire or Sword ; for *si Deus nobiscum quis contra nos ?*

The Collection of Speeches before cited, gives us the following Speech of Lord Digby's, without Date :

Date :—But it seems to have been spoken about the An. 16. Car. 1.
Beginning of the Session (r). 1640.

Mr. Speaker,

‘ **T**His happy Meeting is to bemoan and redress the unhappy State of this Commonwealth. Let me have, I beseech you, your Leave to give you, in a Word, a short View of our Grievs, then see whence they flow. Our Laws, our Liberties, our Lives, and which is the Life of all, our Religion ; all which have been, by the Endeavours of so many Ages, secured, and made so much our own, can scarcely now be called ours. Our Laws, the only Sinews and Ligaments of our Estates, which should run in an even Stream, are now made to disdain their Banks, and to overflow and drown those Fields, which they should gently refresh ; our Liberties, the very Spirit and Essence of our Weal, which should differ us from Slaves, and speak us *Englishmen*, are torn away by them, who, even while they take them from us, cannot but confess they are our proper Dues. Are not our Lives in danger, when a provoked Enemy, disguised like a Friend, is as it were suffered (because indirectly and in vain resisted) to come almost into our Bosom, to rattle some of their Goods, others of their Loyalty, which perhaps they could not, neither would have touched, might we, with united Force, have resisted ? And lastly, which is the Soul of all our Grievances, our Religion, which should have been our Cordial in all our Distempers, like a forced Virgin, laments ever that her pure Innocency is taken from her : And sure all these Effects must have their Causes.

‘ That we have just and wise Laws, we may thank those good Kings that made them ; the settled Exposition of just circumscribed Laws, to bind and defend the Subject, we owe to the Judges of former Times ; and that they are so well framed and

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useful,

(r) This Speech is not in *Nalson* or *Rushworth*.

An. 16. Car. 1. useful, as to contain enough to make a good King and People perfectly safe and happy.
1640.

‘What do we owe to those grave Counsellors, who sat here before us, and that outlive the Malice of some unbounded Spirits? We are beholden to them for reprieving our Laws from Ruin, with their Lives and Fortunes; we call them ours, because we are freely born to them, as to the Air we breath in; we claim them, and should possess them under the Protection of our gracious King, who is their great Patron, and disposes them not inconsiderately; but by the Advice of those learned Expositors of them, the Judges, and those whom he trusts to be his great and faithful Counsellors. If these pervert the Ground and Meaning of the Law, and contract the Power of it, or make it speak louder or softer, as they themselves are tuned for it, the Blame should deservedly fall on those mistrusted Ministers, who are the base Betrayers of his Majesty’s Honour, and his People’s Rights; to vindicate which, Necessity hath here assembled you.

‘Mr. Speaker, is not his Offence and Malice as great who should undermine my Tenure, and surreptitiously deprive me of my Evidence by which I hold my Inheritance, as he who, by Violence, should wrest it from me? The Scots we have heard branded as *Traitors*, because they have, contrary to the Law of Nations, and their Loyalty, invaded our Kingdom in Arms; what other Title have they merited, who have invaded our Laws and Liberties, the precious Evidence by which we should freely enjoy ourselves and our Estates. The first we may resist and drive forth by united Force, and it will be called Piety to the King and Country; if Force be laid against the other, it will be stiled *Rebellion*.

‘What now remains but that we should use the Law; which, because it hath been inverted and turned against us, contrary to its own natural and plain Disposition, should now right us and itself against our Adversaries. Surely the Law is not so weak

weak and improvident, to take Care for others, and never provide for its own Defence against those (be they Peers or People) that have abused it. If we examine the Law well, it will tell us what hath been the Reward of such ambitious Men, as have monopolized and abused the King's Authority; what hath been the Punishment of such as have betrayed the well-meaning Subject to the King's Displeasure, and his Prince's Counsel to his Enemies; what they deserve, who have raised Mountains of Monopolies, Heaps of Impositions, Oceans of Grievances; what hath been the Punishment of such as belied Justice and their Conscience, and have made Truth and Honesty out of Fashion.

And lastly, if no Penalty be found for these, surely there is some for such as have so disguised Religion in fantastic Dresses, that Heaven and Earth cannot but be angry to see it; and, in their politic Pride have been so long moulding a new State, and a new old Church for their own Advantage, till they have, by their too much Order, put all out of Frame, and made us Objects of Pity, and themselves of Hate. What if, for these Innovations, we innovate an exemplary Punishment? These are the Ground-Work of our Miseries: And surely, Mr. Speaker, there are too many of all these Sorts, which, like envious Clouds, hinder us from the gracious Shine our Sun intends us; therefore, for his greater Lustre, and our more assured Comfort, let us endeavour to remove these Interposers; that he may freely see into his People's Bosoms, and read, in their Hearts, firm Characters of Loyalty and glad Obedience; which the Practices of these latter Times have endeavoured to obliterate, but in vain.

I shall not dare to borrow one Minute more; but I shall now end, tho' I have but new begun. If we consider the just Extent of our Grievances, the deep Search of which Wound I leave to better Abilities (and I beseech you think not that I sigh out these Complaints, undertaking to instruct the grave Council of this great Assembly); my Infant-Advice presumes not to reach so high: It is but to

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let you see how much the slightest Parts of this abused Common-Wealth, is not only made sensible of our Wrongs; but that what we feel is far exceeded by the numberless Number of our just Fears, which should, before this Time, have utterly distracted us, had not our great Physician now at length applied his sovereign Remedy, to keep up our fainting Hopes, by which we must either stand or fall.

We meet with the following Speech (s) of Sir Francis Seymour, Member for Marlborough, in this Month of November, tho' the Day is not mentioned.

Mr. Speaker,

Sir Francis Sey-
mour.

THis great Council, as Tully said of the Senate of Rome, is the Soul of the Common-Wealth; wherein one may hear and see all the Grievances of the Subject; and in the Multitude of such Counsellors is Safety.

Amongst whom the greatest Privilege is Liberty of Speech: And therefore I humbly offer it unto you, to take into Consideration, what Wrong hath been done herein; what Judgments have been against the Members of this House, for speaking nothing but what concerned the Good of the Common-Wealth; which said Judgments have been against Law and Reason, and without Precedent.

What Law or Reason is there that a Parliament, which is the highest of all Courts, should be questioned by inferior Courts and Judges; as if the Common-Pleas should question the King's Bench, or the Chancery be questioned by either of them?

Perhaps the Authors of it have Nature to plead for them; which, indeed, teacheth every Man to preserve himself. This perhaps makes them advance a Proposition, which, otherwise, must condemn themselves.

Such Things have been done to maintain their Proceedings, as not only trench upon the Liberties of

(s) From the original Edition printed for W. H. Anno 1643, in our Collection of Pamphlets. It is not in Rushworth or Naisson,

of Parliament, but also upon the Liberties of the whole Common-Wealth; wherein I had rather suffer for speaking the Truth, than the Truth should suffer for want of my speaking.

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1640.

‘ Where was there ever more Piety in a Prince, and more Loyalty in Subjects, and yet what Common-Wealth ever suffered like this? His Majesty is the Sun, which, tho’ it ever shines alike in itself gloriously; yet, by reason of Clouds, many times doth not appear; and if his Majesty, by reason of bad Counsellors, doth not appear in such Splendor, let us labour to clear those Clouds: What will it avail us if the Fountain be clear, if the Streams that issue therefrom be not so also?

‘ I will instance, Mr. Speaker, in some Particulars. If we look into the Face of Religion, that is out-faced; and such as heretofore durst not appear, now comes boldly into our Houses, as if they had a declared Toleration; I mean the seminary Priests; who, tho’ they have less Power, yet have they not less Malice; but more, so long as the Pope has his Agents amongst us. See we not how they go to *Somerset-House* and *St. James’s* with too much Countenance? These are the Enemies of the Church without the Church: I wish we had none within—who pull down Churches, and I am sure they build none up again: Amongst which are our *Non-residents*, who o’er-sway all by worldly Preferments and many Livings.

‘ Christ made it the Touch-stone of *Peter’s* Love unto him, to feed his Sheep and Lambs; but these Men look at their own private Gains; not taking Pains for their own double Honours which are daily gotten.

‘ What Thing is there more against Reason and Nature, than for one Man to have above one Wife, and for one Shepherd to have more than one Sheep-fold?

‘ These are dumb Dogs that cannot speak a Word for God; of whom the People may seek spiritual Food, but can find none.

‘ Others

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‘ Others there are that preach, yet it is not the Gospel, but themselves:— ‘ That the King hath an unlimited Power, and the Subject no Property in his Goods.’

‘ These are bad Divines, and worse and more ignorant Statesmen; who, under the Name of *Puritans*, condemn all who truly profess Religion. There are surely many, who, under a Form of Godliness, cloak Impiety; but to teach that a Man can be too holy, is the Doctrine of Devils.

‘ And now, for Fear I have been over-long, I will speak of the Subjects Liberties; wherein I remember what was confirm’d unto us by the Word of a King: And God forbid that I, or any other, should imagine that the King did otherwise than he then granted us.

‘ But some there be that have betrayed the King unto himself; and so committed worse Treason than those who betray him to others; who tell him his Prerogative is above all Laws, and that his Subjects are but Slaves: Whereby the King is neither preserved in Honour, nor the Common-Wealth in Safety.’

Nov. 23. A Committee for *Religion* having been appointed, divers Reports were made to the House about it, and many Speeches upon that Topic ensued. The first we find was spoke by Sir *Edward Dering*, in the Committee (u), Mr. *White* being in the Chair, which we here subjoin.

Mr. *White*,

Sir Edward Dering.

‘ **Y**OU have many private Petitions, give me Leave, by Word of Mouth, to interpose one more general, which thus you may receive.

‘ God’s true Religion is violently invaded by two seeming Enemies: But indeed they are, like *Herod* and *Pilate*, fast Friends for the Destruction of Truth. I mean the *Papists* for one Party, and

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(u) From a *Quarto* Pamphlet, published by himself, containing a Collection of his Speeches, some formerly printed, and divers more now added, in Vindication of his Name from weak and wilful Calumny, &c. London, 1642.

our *Prelating Faction* for the other. Between these An. 16. Car. I.
two in their several Progress, I observe the Concur- 1649.
rence of some few Paralels, fit, as I conceive, to
be represented to this Committee.

‘ *First*, with the *Papists*, there is a severe In-
quisition; and with us, as it is used, there is a bit-
ter High Commission; both these, *contra Fact & Jus*,
are Judges in their own Cause: Yet herein their
Inquisitors are better than our High Commissioners:
They, for ought I ever heard, do not, *severe in*
suos, punish for Delinquents and Offenders, such as
profess and practice, according to the Religion esta-
blished by the Laws of the Land where they live.

‘ But with us how many poor distressed Mini-
sters, nay how many Scores of them, in a few
Years past, have been suspended, degraded, deprived,
and excommunicated, not guilty of the Breach of
any of our established Laws. The Petitions of
many are here with us, more are coming: All their
Prayers are in Heaven for Redress.

‘ *Secondly*, with the *Papists*, there is a mysteri-
ous Artifice, I mean their *Index expurgatorius*,
whereby they clip the Tongues of such Witnesses
whose Evidence they do not like. To this I para-
rel our late *Imprimaturs*, Licenses for the Press, so
handled, that Truth is suppress’d, and *Papish* Pam-
phlets fly abroad *cum Privilegio*: Witness the auda-
cious and libelling Pamphlets against true Religion,
written by *Pocklington, Heylin, Dow, Cosins, Shel-*
ford, Swan, Reeves, Yates, Hausted, Studley, Spar-
row, Brown, Roberts.—Many more: I name no Bi-
shops, but I add, &c.

‘ Nay, they are already grown so bold in this new
Trade, that the most learned Labours of our an-
tient and best Divines must now be corrected and
defaced with a *Deleatur*, by the supercilious Pen
of my Lord’s young Chaplain; fit perhaps for the
technical Arts, but unfit to hold the Chair of Di-
vinity.

‘ But herein the *Roman Index* is better than are
our *English* Licensers: They thereby do preserve
the Current of their own established Doctrine; a
Point

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An. 16. Car. I. 1640. Point of Wisdom. But, with us, our Innovators,

by this Artifice, do alter our settled Doctrines; nay, they do subinduce Points repugnant and contrariant. And this I dare assume upon myself to prove.

One Paralel more I have, and that is this: Among the *Papists* there is one supreme *Pope*, supreme in Honour, in Order, and in Power; from whose Judgment there is no Appeal. I confess, Mr. Chairman, I cannot altogether match a *Pope* with a *Pope*: Yet one of the antient Titles of our *English* Primate was *alterius Orbis Papa*; but thus far I can go, *ex ore suo*; it is in Print: He pleads fair for a Patriarchate; and for such an one whose Judgment he, beforehand, professeth ought to be final; and then, I am sure, it ought to be unerring.

Put these together, and you shall find that the final Determination of a Patriarch will want very little of a *Pope*, and then we may say

————— *Mutato nomine de te*
Fabula narratur —————

He pleads *Popeship* under the Name of a Patriarch; and I much fear lest the End and Top of his Patriarchal Plea may be as that of Cardinal *Pole*, his Predecessor, who would have two Heads, one *Caput Regale*, another *Caput Sacerdotale*: A proud Paralel, to set up the Mitre as high as the Crown.

But herein I shall be free and clear, if one there must be, be it a *Pope*, be it a *Patriarch*; this I resolve upon for my own Choice, *procul a Jove, procul a Fulmine*; I had rather serve one as far off as *Tyber*, then to have him come so near me as the *Thames*. A *Pope* at *Rome* will do me less Hurt than a *Patriarch* may do at *Lambeth*.

I have done; and, for this third Paralel, I submit it to the Wisdom and Consideration of this Grand Committee for Religion; in the mean time I do ground my Motion upon the former two, and it is this in brief:

That you would please to select a Sub-Committee of a few, and to impower them for the Discovery of the Numbers of oppressed Ministers under
the

the Bishops Tyranny for these ten Years last past. An. 16. Car. 1.
We have the Complaint of some, but more are
silent; some are patient and will not complain,
others are fearful and dare not; many are beyond
Sea and cannot complain. 1640.

‘ And, in the second Place, that the Sub-Com-
mittee may examine the Printers, what Books, by
bad Licences, have been corruptly issued forth; and
what good Books have been, like good Ministers,
silenced, clipped, or cropped.

‘ The Work, I conceive, will not be difficult,
but will quickly return into your Hand full of
Weight. And this is my Motion.’

Upon this Occasion Sir *John Wray*, spoke as
follows:

Mr. Speaker (a),

‘ **B**Y the Report made from the Committee Sir John Wray.
of Religion, you may see to what an ex-
orbitant Height *Papery* is grown; and yet how
slowly we go on to suppress it: I fear God is dis-
pleased with us, or else no Disaster should have pre-
vented the sealing of our Covenant, when intended;
and I hope it shall be performed the next *Sabbath*.
Had our Fast been accepted, and our outward Hu-
miliation cordial, no Blow should have distracted
our Preparations. Mr. Speaker, if we had taken
the good Counsel of our Teachers at the Fast, and
believed their Report, we had done well; and by this
Time, no doubt, we might have found out *Achan*
with his Wedge of Gold and *Babylonish* Garments;
but we have spent our Time only in pilling off the
Bark, and snatching the Boughs and the Branches of
Papery, and that will do no good; for they will
grow thicker and harder: What must we do then,
Mr. Speaker, to preserve our Religion safe and sound,
to us and our Posterity, that our golden Candlestick
be not removed? Why, the only Way is to fall to
our Work in earnest, and lay the Axe to the Root,
to

(a) From the Edition of this Gentleman's Speeches before cited.

An. 26. Car. I. to unloose the long and deep Fangs of Superstition and *Popery*; which being once done, the Bark will soon fall down. Let us then, Mr. Speaker, endeavour a thorough Reformation; for if it be imperfect, it will prove the Seed of Dissolution, if not Desolation; which God forbid: And, to prevent that, I shall humbly move, That the Groves and high Places of Idolatry may be removed, and pulled down, and then God's Wrath against *England* will be appeased; untill then, never.

Rusworth observes, That these Speeches, and some others, concerning Grievances, did so convince the rest of the House, that when a Question was put relating to any considerable Grievance, not one Member offer'd to put a Negative upon it. The foregoing Speech of Sir *John Colepeper's* on Monopolies and Monopolists, occasioned a Resolution of the House about the latter End of this Month, 'That no Monopolist or Patentee should be allowed to sit in that House.' Several were turned out accordingly, and new Writs were ordered for electing others in their Stead.

The same Author tells us, That, on these numerous Complaints, the whole House was divided and subdivided into above forty Committees to hear and examine them; but, in the Main he has reduced them to these four general Heads:

1. Committees concerning Religion, Innovations in the Church, and Grievances by Ecclesiastical Courts.
2. Committees concerning public Affairs in general, and particularly concerning *Ireland* and *Scotland*.
3. Other Committees were concerning Ship-Money, Judges and Courts of Justice.
4. Committee relating to *Popery*, the *Papish* Hierarchy, the *Pope's* Nuntio, Plots, Designs, &c.

This Parliament of Inquisition, as another Author calls it (*b*), began now too look terrible to all that

(*b*) *Saunderson's Life of King Charles I.* p. 338.

that lodged but under a Suspicion of Guilt; but in-
sufferable to those whose Consciences condemned
themselves. Sir *Francis Windebank*, Secretary of
State, was said to be one of the latter; who, obser-
ving a Storm rising strongly against him, by some
Votes in the House, about the Beginning of *De-*
cember, thought proper to withdraw himself to a
Place of greater Safety, and fled into *France*. The
Articles against him were ready drawn up, and the
Crimes he was accused of were as follows:

An. 16. Car. I.
1640.

Secretary Win-
debank flies the
Kingdom.

- I. *Seventy-four Letters of Grace to Recusants, with-
in these four Years, sign'd by his own Hand.* Articles against
him.
- II. *Sixty-four Priests in the Gatehouse, within these
four Years discharged, for the most Part, by him.*
- III. *Twenty-nine discharged by his verbal Order.*
- IV. *A Warrant to protect one Muffon, a condemn-
ed Priest, and all the Houses he frequented.*
- V. *One committed by the King's own Hand, and
discharged by him, without Signification of the King's
Pleasure therein.*
- VI. *A Petition of St. Giles in the Fields, near
London, to the King, of the Increase of Popery in
their Parish, wherein twenty-one Persons were sedu-
ced and turned by two Priests, the which Priests
were both discharged by him.*

From *Calais* this unfortunate Statesman wrote
the following Letter to *Philip Earl of Pembroke*,
then Lord Great Chamberlain of *England*; which,
tho' not strictly parliamentary, yet, as a Consequence
of such Enquiries, and the Stile of it being pathe-
tic and moving, may well claim a Place in this
History. It was in these Words (c):

My Lord,

I Owe myself to your Lordship, for your late Fa-
vours, and therefore much more the Account of
myself; tho' the Debt, in either respect, be of little Con-
sideration,

Vindication of
himself in a Let-
ter to the Earl of
Pembroke.

(c) From the Collection of Speeches, &c. before cited. There is
a short Abstract of it in *Rushworth*.

An. 16. Car. I. *sideration, and the cancelling of both may be of greater Advantage to you than to continue the Obligation.*
1640.

This Account had been presented to your Lordship at my first Arrival here with my first Dispatches, but I was so mortified with my hazardous Passage in an open Shallop, and so perplexed with the Thoughts of Miseries, into which I find myself plunged; and besides, the Departure of the Messenger that carried those Letters, was so sudden, that it was not possible to perform this Duty to your Lordship sooner; for the which I do most humbly crave Pardon: Your Lordship may now please to accept the Expressions, from the saddest and most wounded Soul in the whole World, who am a Spectacle of Misery in myself, in my distressed Wife and Children, and in my whole Fortunes; who have lost the attending of my Sovereign and Master, and Access to the best Prince in the World; who am become a Scorn and By-word to all the World, both at home and abroad; a Wanderer, an Exile from my own Country, now in the Declination of my Years, and likely to end my Days in a remote Country, and far from the Comfort of all my Friends.

What I am guilty of none knows so well as his Majesty, whom I have served faithfully, diligently, and with as true and loyal a Heart, according to my poor Abilities, as any other whatsoever; and if I found my Conscience charged with any Crime of Baseness, Corruption, Infidelity, or any Thing else unworthy of a Gentleman, I should not venture to address these Complaints to your Lordship, or to any other Person of Honour.

In this disconsolate Estate, being an Object not altogether unworthy of your Lordship's Compassion, be it for no other respect, but that I have long serv'd the King and Queen's Majesties, I doubt not but your Lordship, in your Generosity and Goodness, will have a lively Sense and Feeling of my Sufferings, and vouchsafe me such Relief as in your Honour you may; and if myself, who, by Course of Nature, cannot be now of long Continuance, be not considerable, I must beseech your Lordship to have Pity upon my poor innocent Wife and Children, that they receive such Comfort and Assistance from you in my Absence, that they may

may be preserved from perishing. And to that End I An. 16. Car. 1.
most humbly crave your Lordship's Favour to this Bearer, 1640.
my Son, and to give him the Honour of Access when-
soever he shall make his Addresses to you; wherein you
shall do a Work of singular Charity.

Now because there is an Opinion in the World, that I
have much improved my Fortune by the Roman Party,
and that there hath been a Design, by my Ministry, to in-
troduce Popery into England, I shall humbly crave your
Lordship's Patience in giving me Leave to clear these
two great Misunderstandings; which, if they were
true, were sufficient to render me incapable of his
Majesty's Favours, or of the Compassion of any Per-
son of Honour whatsoever.

For the first, it is notorious to all the World, that
having now serv'd his Majesty, in the Place of
Secretary, for the Space of above eight Years, I
have not added one Foot of Land to the Inheritance
left me by my Father; which, in Land and Lease,
was not above 500 l. per Annum; a poor and incon-
siderable Estate for a Secretary, and such a one as
most Secretaries have more than trebled in a short
Time: For my Manner of living, it hath been much
under the Dignity of a Secretary, and if I had not
been very frugal, I could not have subsisted; where
then this concealed Mass of Treasure is, I wish those
that speak so liberally of it would let me know; for
I do protest to God I am utterly to seek where to dis-
cover it; and at this present I am so unfurnished with
Money, that if his Majesty cause me not to be supplied,
I am unable to subsist in these Parts, without exposing
my Family in England to the Danger of Starving;
and yet neither my Purpose nor Inclination is to live
otherwise here, than in the greatest Obscurity and
Closeness that possibly I may. I assure your Lordship
that those of the Roman Party that passed my Hands,
by his Majesty's Commandment, were poor distressed
Creatures, and far from being able to enrich me:
And besides, how little I have attended my own pri-
vate Interest, and how freely and like a Gentleman
(I hope I may speak the Truth without Ostentation)
I have done Courtesies to all, I wish it should rather
appear

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An. 16. Car. 1.
1640.

I appear by the Testimony of such as have made Use of my Services, than by my own. My Father and I have serv'd the Crown of England near 80 Years together, in which Time, if a greater Estate had been rais'd it might well have been justified, considering the great Employments near the Persons of Queen Elizabeth, King James, and his Majesty that now is, we both have had; and your Lordship may believe it, for I avow it upon the Faith of a Christian, that it is no more than I have above-mentioned; and whether there are not many, from less Employments, have risen to be Noblemen, and made their Fortune accordingly, I leave the World to judge.

For the other Suspicion, of my being a Favourer or Advancer of Popery, I protest before the Almighty God, and as I shall answer at the last dreadful Day, that I know no Ground for the least Suspicion thereof; neither am I myself, nor is any of mine, to my Knowledge, guilty of the least Thought of any such Purpose; for myself, I received my Baptism in the Church of England, and I know nothing in the Church of Rome that can win me from that Church wherein I was made a Christian; I do therefore hold this Church of England, not only a true and orthodox Church, but the most pure and near the primitive Church of any in the Christian World; and this I will be ready to seal with my Blood, whensoever there shall be Occasion: With this further Protestation, That if I did not hold it so, I would not continue in it for any worldly Consideration whatsoever (d).

For that which hath passed my Hands for Favour of that Party, it hath been meerly ministerial, as his Majesty best knows; and I must be bold to say, that his Majesty hath not been deceived by it, but hath received many greater Advantages: Besides that, if a Secretary of State should not hold Intelligence with the Party

(d) *Saunderson* says, * That Sir Francis Windebank having been questioned and mainly convinced for relieving Jesuits and Priests, and of worse Matters suspected guilty, got over into France, where he remained to his Death a professed Roman Catholic: But *Whitlocke* is more tender, saying only, * That it was reported he remained to his Death a professed Papist.

Life of King Charles I. p. 338. *Memorials*, p. 37.

Party, is absolutely to disable him from the Service of An. 16. Car. I.
the State, and that hath been done always more or less, 1640.
and so must always continue: Kings and their Ministers of State have ever had, and might ever have a Latitude according to Time and Occasion, and cannot be so tied, according to Strictness of Law, as others are, without Peril to the Government; therefore, when the Roman Party were practique and busy about the State, there was Reason to be more strict; but now, by the Wisdom of the Queen and her good Offices, they are better temper'd, lest Severity hath been used; it being the Prerogative of the Prince to use Moderation according to the Accusation. Further than this I have not had to do with the Roman Party, nor thus far, but in Obedience to my Master's Commandment; which I hope shall not be censured a Crime. This being my Condition, I most humbly submit it to your Lordship's Wisdom and Goodness; and seeing there is no Malignity in it, nor Prejudice to the State, that your Lordship would vouchsafe me your Favour and Protection, and preserve from perishing

Your Lordship's most humble

and faithful, tho' much

distressed, Servant,

FRAN. WINDEBANK.

Calais, Jan. 11,
1640.

Nov. 27. We are told by a cotemporary Writer, that (c) ' This Morning Mr. Pymme, the Great Parliament-Man, declared, That they would make ' the King the richest King in all Christendom; ' and that they had no other Intention, but that he ' should continue their King to govern them; and ' pressed he might have Tonnage and Poundage ' granted him by Parliament; which took well ' with the House: But he stood upon it to have Grievances first reform'd; and so it was left at large.'

In the Beginning of December the Affair of Religion began to be warmly canvassed in the Commons. This was first set on foot by a Petition from the City of London, and subscribed by 15,000 Citizens.

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(c) Diurnal Occurrences, p. 7.

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An. 16. Car. 1. It was presented to the House, on the 11th of this
1640. Month, by Alderman *Pennington*, attended by some
Hundreds of People, and was as follows:

Petition of the
City of London
against Bishops,
&c.

‘ **T**Hat whereas the Government of Archbi-
‘ shops and Lord Bishops, Deans and Arch-
‘ deacons, &c. with their Courts and Ministrations
‘ in them, hath proved prejudicial and very dange-
‘ rous both to the Church and Common-Wealth;
‘ they themselves having formerly held, That they
‘ have their Jurisdiction or Authority of human
‘ Authority, till of these later Times, being further
‘ pressed about the Unlawfulness thereof, they have
‘ claimed their Calling immediately from the Lord
‘ Jesus Christ; which is against the Laws of this
‘ Kingdom, and derogatory to his Majesty and his
‘ State Royal: And whereas the said Government
‘ is found, by woful Experience, to be a main Cause
‘ and Occasion of many foul Evils, Pressures, and
‘ Grievances of a very high Nature unto his Ma-
‘ jesty’s Subjects, in their Consciences, Liber-
‘ ties, and Estates, as in a Schedule of Particulars,
‘ hereunto annexed, may in part appear:

‘ We therefore most humbly pray and beseech
‘ this Honourable Assembly, the Premises consider-
‘ ed, that the said Government, with all its De-
‘ pendences, Roots, and Branches, may be abolish-
‘ ed, and all Laws in their Behalf made void, and
‘ the Government, according to God’s Word, may
‘ be rightly placed among us; and we your humble
‘ Suppliants, as in Duty we are bound, will daily
‘ pray for his Majesty’s long and happy Reign over
‘ us, and for the prosperous Success of this High
‘ and Honourable Court of Parliament.

*A Particular of the manifold EVILS, PRESSURES,
and GRIEVANCES, caused, practised, and occa-
sioned by the PRELATES and their DEPENDENTS.*

I. ‘ The subjecting and intrhalling all Ministers
‘ under them and their Authority, and so, by De-
‘ grees, exempting of them from the Temporal
‘ Power; whence follows,

II.

II. ' The faint-heartedness of Ministers to preach An. 16. Car. I.
' the Truths of God, lest they should displease the 1640.
' Prelates; 'as namely, the Doctrine of Predestina-
' tion, of free Grace, of Perseverance, of original
' Sin remaining after Baptism, of the Sabbath, the
' Doctrine against universal Grace, Election for
' Faith foreseen, Free-will, against Antichrist, Non-
' residents, human Inventions in God's Worship;
' all which are generally withheld from the People's
' Knowledge, because not relishing to the Bishops.

III. ' The Encouragement of Ministers to de-
' spise the temporal Magistracy, the Nobles and
' Gentry of the Land; to abuse the Subjects, and
' live contentiously with their Neighbours, know-
' ing that they, being the Bishops Creatures, shall
' be supported.

IV. ' The Restraint of many godly and able
' Men from the Ministry, and thrusting out of
' many Congregations their faithful, diligent, and
' powerful Ministers, who lived peaceably with
' them, and did them good; only because they can-
' not, in Conscience, submit unto and maintain
' the Bishops needless Devices; nay, sometimes,
' for no other Cause, but for their Zeal in Preach-
' ing, or their great Auditories.

V. ' The suppressing of that godly Design, set
' on foot by certain Saints, and sugar'd with many
' great Gifts by sundry well-affected Persons, for
' the buying of Impropriations, and placing of able
' Ministers in them; maintaining of Lectures, and
' founding of Free-Schools; which the Prelates
' could not endure, lest it should darken their Glo-
' ries, and draw the Ministers from their Depen-
' dence upon them.

VI. ' The great Increase of idle, lewd and dis-
' solute, ignorant and erroneous Men in the Mini-
' stry, which swarm, like the Locusts of Egypt,
' over the whole Kingdom; and will they but wear
' a Canonical Coat, a Surplice, a Hood, bow at
' the Name of Jesus, and be zealous in supersti-
' tious Ceremonies, they may live as they list, con-

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front whom they please, preach and vent what Errors they will, and neglect preaching at their Pleasure, without Controul.

VII. ' The Discouragement of many from bringing up their Children in Learning; the many Schisms, Errors, and strange Opinions which are in the Church; great Corruptions which are in the Universities; the gross and lamentable Ignorance, almost every where, among the People; the Want of preaching Ministers in very many Places both of *England* and *Wales*; the loathing of the Ministry; and the general Defection into all Manner of Prophaneness.

VIII. ' The swarming of lascivious, idle, and unprofitable Books and Pamphlets, Play-Books and Ballads; as, namely, *Ovid's Art of Love*; the *Parliament of Women*, which came out at the dissolving of the last Parliament; *Barnes's Poems*; *Parker's Ballads*, all in Disgrace of Religion, to the Increase of all Vice, and withdrawing of People from reading, studying, and hearing the Word of God, and other good Books.

IX. ' The hindering of godly Books to be printed, the blotting out of, or perverting in, those which they allow to be printed, all or most of that which strikes either at *Popery* or *Arminianism*; the adding of what or where pleaseth them; and the Restraints of reprinting Books, formerly licensed, without relicensing.

X. ' The publishing and vending of *Popish*, *Arminian*, and other dangerous Books and Tenets; as, namely, That the Church of *Rome* is a true Church, and, in the worst Times, never erred in Fundamentals; that the Subjects have no Property in their Estates, but that the King may take from them what he pleaseth; that all is the King's, and that he is bound by no Law, and many other; from the former whereof hath sprung,

XI. ' The Growth of *Popery*, and Increase of *Papists*, *Priests*, and *Jesuits*, in sundry Places, but

‘ but especially about *London*, since the Reforma-
 ‘ tion; the frequent vending of Crucifixes and
 ‘ *Popish* Pictures, both engraven and printed, and
 ‘ the placing of such in Bibles. An. 16. Car. 1.
1640.

XII. ‘ The Multitude of Monopolies and Pa-
 ‘ tents, drawing with them innumerable Perjuries;
 ‘ the large Increase of Customs and Impositions
 ‘ upon Commodities; the Ship-Money, and many
 ‘ other great Burthens upon the Common-Wealth,
 ‘ under which we all groan.

XIII. ‘ Moreover, the Offices and Jurisdictions
 ‘ of Archbishops, Lord Bishops, Deans, Archdea-
 ‘ cons, being the same Way of Church Govern-
 ‘ ment which is in the *Romish* Church, and which
 ‘ was in *England* in the Time of *Popery*; little
 ‘ Change thereof being made, except only the
 ‘ Head from whence it was derived; the same Ar-
 ‘ guments supporting the *Pope*, which do uphold
 ‘ the Prelates; and overthrowing the Prelates,
 ‘ which do pull down the *Pope*; and other Reform-
 ‘ ed Churches having, upon their Rejection of the
 ‘ *Pope*, cast the Prelates out also as Members of the
 ‘ Beast: Hence it is, that the Prelates here in *En-
 ‘ gland*, by themselves or their Disciples, plead
 ‘ and maintain, that the *Pope* is not Antichrist,
 ‘ and that the Church of *Rome* is a true Church,
 ‘ hath not erred in fundamental Points, and that
 ‘ Salvation is attainable in that Religion; and there-
 ‘ fore have restrained to pray for the Conversion of
 ‘ our Sovereign Lady the Queen. Hence also hath
 ‘ come,

XIV. ‘ The great Conformity and Likeness,
 ‘ both continued and encreased, of our Church
 ‘ to the Church of *Rome*, in Vestures, Postures,
 ‘ Ceremonies, and Administrations; namely, as
 ‘ the Bishops Rochets, and the Lawn Sleeves,
 ‘ the four-cornered Cap, the Cope and Surplice, the
 ‘ Tippet, the Hood, and the Canonical Coat, the
 ‘ Pulpits clothed, especially now of late, with the
 ‘ *Jesuits* Badge upon them every Way.

XV. ‘ The standing up at *Gloria Patri*, and at
 ‘ reading the Gospel, praying towards the East, the

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‘ bowing at the Name of JESUS, the bowing to the
‘ Altar towards the East, Cross in Baptism, the
‘ Kneeling at the Communion.

XVI. ‘ The turning of the Communion-Table
‘ Altar-wise ; setting Images, Crucifixes, and Con-
‘ ceits over them, and Tapers and Books upon
‘ them, and bowing and adoring to or before them ;
‘ the reading of the second Service at the Altar,
‘ and forcing People to come up thither to receive,
‘ or else denying the Sacrament to them ; terming
‘ the Altar to be the Mercy-Seat, or the Place of
‘ God Almighty in the Church ; which is a plain
‘ Device to usher in the Mass.

XVII. ‘ The christening and consecrating of
‘ Churches and Chapels, the consecrating Fonts,
‘ Pulpits, Tables, Chalices, Church-Yards, and
‘ many other Things, and putting Holiness in
‘ them ; yea, re consecrating upon pretended Pol-
‘ lution, as tho’ every Thing were unclean with-
‘ out their Consecrating ; and, for Want of this,
‘ sundry Churches have been interdicted, and kept
‘ from Use as polluted.

XVIII. ‘ The Liturgy, for the most part, is
‘ framed out of the *Romish* Breviary, Ritual, and
‘ Mass-Book ; also the Book of Ordination for
‘ Archbishops and Ministers, framed out of the
‘ *Roman* Pontifical.

XIX. ‘ The Multitude of Canons formerly made ;
‘ wherein, among other Things, Excommunica-
‘ tion, *ipso facto*, is denounced for speaking of a
‘ Word against the Devices abovesaid, or Subscrip-
‘ tion thereunto ; though no Law enjoined a Re-
‘ straint from the Ministry without such Subscrip-
‘ tion, and Appeal is denied to any that should re-
‘ fuse Subscription or unlawful Conformity, though
‘ he be never so much wronged by the inferior
‘ Judge ; also the Canons made in the late sacred
‘ Synod, as they call it, wherein are many strange
‘ and dangerous Devices to undermine the Gospel,
‘ and the Subjects Liberties ; to propagate *Papery* ;
‘ to spoil God’s People ; ensnare Ministers and o-
‘ ther Students ; and so to draw all into an abso-
‘ lute

‘ lute Subjection and Thralldom to them and their An. 16. Car. I.
 ‘ Government, despoiling both the King and the 1640.
 ‘ Parliament of their Power.

XX. ‘ The countenancing Plurality of Benefices;
 ‘ prohibiting of Marriages, without their Licence,
 ‘ at certain Times, almost half the Year ; and li-
 ‘ censing of Marriages without Banns asking.

‘ XXI. ‘ Prophanation of the Lord’s Day,
 ‘ pleading for it, and enjoining Ministers to read a
 ‘ Declaration, set forth, as ’tis thought, by their
 ‘ Procurement, for tolerating of Sports upon that
 ‘ Day ; suspending and depriving many godly Mi-
 ‘ nisters for not reading the same only out of Con-
 ‘ science, because it was against the Law of God
 ‘ so to do, and no Law of the Land to enjoin it.

XXII. ‘ The pressing of the strict Observation
 ‘ of Saints Days, whereby great Sums of Money
 ‘ are drawn out of Men’s Purfes for working on
 ‘ them ; a very high Burthen on most People, who,
 ‘ getting their Living by their daily Employments,
 ‘ must either omit them and be idle, or part with
 ‘ their Money, whereby many poor Families are
 ‘ undone, or brought behind-hand ; yea, many
 ‘ Church-Wardens are sued, or threatened to be
 ‘ sued, by their troublesome Ministers, as perjured
 ‘ Persons, for not presenting their Parishioners who
 ‘ failed in observing Holy-Days.

XXIII. ‘ The great Increase and Frequency of
 ‘ Whoredoms and Adulteries, occasioned by the
 ‘ Prelates corrupt Administration of Justice, in such
 ‘ Cases ; who taking upon them the Punishment of
 ‘ it, do turn all into Monies for the filling of their
 ‘ Purfes ; and, lest their Officers should defraud
 ‘ them of their Gain, they have, in their late Ca-
 ‘ non, instead of remedying these Vices, decreed,
 ‘ that the Commutation of Penance shall not be
 ‘ without the Bishop’s Privity.

XXIV. ‘ The general Abuse of that great Or-
 ‘ dinance of Excommunication, which God hath
 ‘ left in his Church to be used as the last and great-
 ‘ est Punishment the Church can inflict upon ob-
 ‘ stinate and great Offenders ; and the Prelates and
 ‘ their

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their Officers, who, of Right, have nothing to do with it, do daily excommunicate Men either for doing that which is lawful, or for vain, idle, and trivial Matters; as working or opening a Shop on a Holy-Day; for not appearing, at every Beck, upon their Summons; not paying a Fee, or the like; yea, they have made it, as they do all other Things, a Hook or Instrument wherewith to empty Men's Purses, and to advance their own Greatness; and so that sacred Ordinance of God, by their perverting of it, becomes contemptible to all Men, and seldom or never used against notorious Offenders; who, for the most part, are their Favourites.

XXV. 'Yea further, the Pride and Ambition of the Prelates being boundless, unwilling to be subject to either Man or Laws, they claim their Office and Jurisdiction to be *Jure Divino*; exercise Ecclesiastical Authority in their own Names and Rights, and under their own Seals; and take upon them Temporal Dignities, Places and Offices in the Common-Wealth, that they may sway both Swords.

XXVI. 'Hence follow the taking Commissions in their own Courts and Consistories, and where else they fit, in Matters determinable of Right of Common Law; the putting of Ministers upon Parishes, without the Patron's and People's Consent.

XXVII. 'The imposing of Oaths of various and trivial Articles yearly upon Church-Wardens, and Sides-Men, which cannot be observed without Perjury; unless they fall at Jarrs continually with their Ministers and Neighbours, and wholly neglect their own Calling.

XXVIII. 'The exercising the Oath *ex Officio*, and other Proceedings, by way of Inquisition, reaching even to Men's Thoughts; the apprehending, and detaining of Men by Pursuivants; the frequent suspending and depriving of Ministers; fining and imprisoning of all Sorts of People; breaking up of Men's Houses and Studies; taking
' away

away Men's Books, Letters, and other Writings; An. 16. Car. 1.
 seizing upon their Estates, removing them from 1640.
 their Callings; separating between them and
 their Wives against both their Wills; the reject-
 ing of Prohibitions with Threatnings; and the
 doing of many other Outrages; to the utter in-
 fringing the Laws of the Realm, and the Sub-
 jects and Liberties, and ruining of them and
 their Families; and, of latter Time, the Judges
 of the Land are so aw'd with the Power and
 Greatness of the Prelates, and other Ways pro-
 moted, that neither *Prohibition*, *Habeas Corpus*,
 or any other lawful Remedy can be had, or take
 Place, for the distressed Subjects in most Cases;
 only *Papists*, *Jesuites*, *Priests*, and such others as
 propagate *Popery* or *Arminianism*, are countenan-
 ced, spared, and have much Liberty; and from
 hence hath followed, amongst others, these dan-
 gerous Consequences,

1. ' The general Hope and Expectation of the
 ' *Romish* Party, That their superstitious Religion
 ' will, e'er long, be fully planted in this King-
 ' dom again; and so they are encouraged to persist
 ' therein, and to practice the same openly in di-
 ' vers Places; to the high Dishonour of God, and
 ' contrary to the Laws of the Realm.

2. ' The Discouragement and Destruction of all
 ' good Subjects; of whom Multitudes, both Clothi-
 ' ers, Merchants, and others, being deprived of
 ' their Ministers, and over-burthen'd with these
 ' Pressures, have departed the Kingdom to *Holland*,
 ' and other Parts; and have drawn with them a
 ' great Part of the Manufacture of Cloth and Tra-
 ' ding out of the Land into other Places, where
 ' they reside; whereby Wool, the great Staple of
 ' the Kingdom, is become of small Value and
 ' vends not; Trading is decayed; many poor
 ' People want Work; Seamen lose Employment;
 ' and the whole Land much impoverished, to the
 ' great Dishonour of this Kingdom, and Blemish-
 ' ment to the Government thereof.

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3. 'The present Wars and Commotions between his Majesty and his Subjects of *Scotland*; wherein his Majesty and all his Kingdom are in danger'd, and suffer greatly, and are like to become a Prey to the Common Enemy, in case the Wars go on; which we exceedingly fear will not only go on, but also increase to an utter Ruin of all, unless the Prelates with their Dependencies be removed out of *England*; and also they and their Practices, who, as we, under your Honours Favour, do verily believe and conceive, have occasioned the Quarrel.
' All which we humbly refer to the Consideration of this Honourable Assembly, desiring the Lord of Heaven to direct you in the right Way to redress all these Evils.'

The Attack made upon Episcopal Jurisdiction did not stop here; for the Commons not only censured the whole Body of the established Church, but severely punished, by Imprisonment, or otherwise, several particular Members of it. The *Journals* are full of the Names of Delinquents sent for and imprisoned, fined, &c. for carrying on, in their several Cures, Superstition and Idolatry, as it is there called; such as bowing to the Altar, setting of the Table Altar-wise, with Rails about it; for putting *J. H. S.* on the Communion-Cloth, painting Images in Churches, and the like.

On the 14th of *December* the House entered into Debate concerning the *New Canons* made by the late Convocation. Sir *Edward Dering* (a), Sir *Benjamin Rudyard* (b), and Mr. *Nathaniel Fiennes* (c), spoke warmly against them:—But as these Speeches are very long and tedious, and have been often printed;

(a) See this Gentleman's own Edition of his Speeches, printed by Francis Eglesfield, 4to. 1642, p. 24; *Speeches and Passages of this happy Parliament*, p. 32; *Rushworth's Collections*, Vol. IV. p. 100; and *Nelson's Collections* Vol. 1. p. 667.

(b) *Rushworth*, p. 111; *Nelson*, p. 678.

(c) *Rushworth*, p. 105; *Nelson*, 672; *Speeches*, &c. p. 49.

printed; and as the principal Arguments therein have been fully urged in the foregoing Debate on *Grievances*, at the opening of the Session; we purposely omit them, in order to make Room for such as have not appeared in any of the *Collections* of these Times.

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Dec. 18. We find a Speech of Mr. *Grimston's* principally adapted to a Charge of High Treason against the Archbishop of *Canterbury*, which had been carried up to the Lords on that Day. The Trial at large being printed singly, and also in the *State Trials*, we have pass'd it over very cursorily; but shall nevertheless give this Speech, tho' printed in *Rushworth* and *Nelson*, because it exhibits, by way of Abstract, the whole Accusation against that Prelate.

Mr. Speaker,

‘ **T**Here hath been presented to the House a most faithful and exact Report of the Conference we had with the Lords Yesterday, together with the Opinion of the Committees that we employed in the Service, that they conceived it fit, That the Archbishop of *Canterbury* should be sequestred; and I must second the Motion: And, with the Favour of this House, I shall be bold to offer my Reasons, why I conceive it more necessary we should proceed a little further than the Desire of a bare Sequestration only.

*Mr. Grimston's
Speech against
Archbishop Laud.*

‘ *Mr. Speaker*, long Introductions are not suitable to weighty Businesses: We are now fallen upon the great Man, the Archbishop of *Canterbury*. Look upon him as he is in Highness, and he is the Sty of all pestilential Filth, that hath infected the State and Government of this Common-Wealth: Look upon him in his Dependences, and he is the the Man, the only Man, that hath raised and advanced all those that, together with himself, have been the Authors and Causers of all the Ruins, Miseries, and Calamities we now groan under. Who is it but he, only, that hath brought the Earl

of

An. 16. Car. I. of *Strafford* to all his great Places and Employments? A fit Spirit and Instrument to act and execute all his wicked and bloody Designs in these Kingdoms.

1640.

‘ Who is it but he, only, that brought in Secretary *Windebank* into that Place of Trust; the very Broker and Pander to the Whore of *Babylon*?

‘ Who is it, Mr. Speaker, but he, only, that hath advanced all our *Papish* Bishops? I shall name but some of them; Bishop *Manwaring* (a), the Bishop of *Bath and Wells* (b), the Bishop of *Oxford* (c), and Bishop *Wren* (d), the least of all these Birds, but one of the most unclean ones. These are the Men that should have fed Christ’s Flock, but they are the Wolves that have devoured them; the Sheep should have fed upon the Mountains, but the Mountains have eaten up the Sheep. It was the Happiness of our Church, when the Zeal of God’s House eat up the Bishops, glorious and brave Martyrs, that went to the Stake in Defence of the *Protestant* Religion; but the Zeal of our Bishops hath been only to persecute and eat up the Church.

‘ Who is it, Mr. Speaker, but this great Archbishop of *Canterbury*, that hath sitten at the Helm, to steer and to manage all the unlawful Projects that have been set on foot in this Kingdom these ten Years last past? And rather than he would stand out, he hath most unworthily trucked and chafered in the meanest of them; as for Instance, that of Tobacco, wherein Thousands of poor People have been stripped and turned out of their Trades, for which they have served as Apprentices: We all know he was the Compounder and Contracter with them for the Licences, putting them to pay Fines, and a Fee-Farm Rent to use their Trade. Certainly, Mr. Speaker, he might have spent his Time much better, and more for his Grace in the Pulpit, then thus sberking and raking in the Tobacco-Shops. Mr. Speaker, we all know what he hath been

(a) Bishop of *St. David’s*. See the Proceedings against him, upon a Complaint of the Commons, in Vol. VIII. p. 151, & seq.
(b) Dr. *William Pier*. (c) Dr. *John Bancroft*. (d) Bishop of *Ely*.

been charged with here in this House; Crimes of a dangerous Consequence, and of a transcendent Nature; no less than the Subversion of the Government of this Kingdom, and the Alteration of the *Protestant* Religion; and this not upon a bare Information only, but much of it is come before us already upon clear and manifest Proofs; and there is scarce any Grievance or Complaint come before us in this Place, wherein we do not find him intermentioned, and, as it were, twisted into it; like a busy angry Wasp, his Sting is in the Tail of every Thing: We have likewise, this Day, heard, in the Report of the Conference of Yesterday, the Accusation which the *Scots* Nation hath charged him withall; and we do all know he is guilty of the same, if not more, here in this Kingdom.

Mr. Speaker, he hath been the great and common Enemy of all Goodness and good Men; and it is not safe that such a Viper should be near his Majesty's Person, to distil his Poison into his sacred Ears; nor is it safe for the Common-Wealth, that he sit in so eminent a Place of Government, being thus accused: We know what we did in the Earl of *Strafford's* Case: This Man is the corrupt Fountain that hath infected all the Streams, and till the Fountain be purged, we can never expect or hope to have clear Channels. I shall be, therefore, bold to offer my Opinion, and, if I err, it is the Error of my Judgment, and not my Want of Zeal and Affection to the Public Good. I conceive it is most necessary and fit, that we should now take up a Resolution to do somewhat; to strike while the Iron is hot; and to go up to the Lords in the Names of the Commons of this House, and in the Names of the Commons of *England*, and to accuse him of High Treason; and to desire their Lordships his Person may be sequestred, that, in convenient Time, we may bring up his Charge.

Besides the Charge of the Commons against the Bishop of *Ely*, as is mentioned in the Abstract of the 19th of *December*, another great Man stands
next

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An. 16. Car. I. next in their Votes, as accused of High Treason, and other Misdemeanors. But, before the House had taken that Resolution, the Lord Keeper of the Great Seal, the Person intended to be accused, had desired to be heard before the House of Commons, in his proper Person, and this Favour was granted him. The Speech he made, on this uncommon Occasion, was as follows ;

Proceedings against the Lord Keeper, Finch.

Mr. Speaker (d),

His Apology before the Commons.

I Do, first, present my most humble Thanks to this Honourable Assembly, for this Favour vouchsafed me, in granting me Admittance to their Presence ; and do humbly beseech them to believe it is no Desire to preserve myself, or my Fortune, but to deserve the good Opinions of those that have drawn me hither.

‘ I do profess, in the Presence of him that knoweth all Hearts, that I had rather go from Door to Door, and crave *Da Obolum Belizario, &c.* with the good Opinion of this Assembly, than live and enjoy all the Honours and Fortunes I am capable of.

‘ I do not come hither with an Intention to justify my Words, my Actions, or my Opinions ; but to make a plain and clear Narration thereof, and then humbly to submit myself, and all that concerns me, to the Wisdom and Justice of this House.

‘ I do well understand, Mr. Speaker, with what Disadvantage any Man can speak in his own Cause ; and if I could have told how to have transmitted my Thoughts and Actions by a clearer Representation of another, I do so much defy my own Judgment in working, and my Ways in expressing, that I should have been a most humble Suitor, that another might have done it. But this House will not be taken with Words, but with clear and ingenuous Dealing ; and therefore I shall beseech them to think, I come not hither with a set and studied Speech ;

(d) From the original Edition, printed by *Thomas Walkley*, which is something more correct than that given in *Rushworth*.

Speech ; I come to speak my Heart, and to speak it clearly and plainly, and then leave it to your Clemency and Justice ; and I hope, if any Thing shall slip from me, to work contrary to my Meaning or Intention, disorderly or ill placed, you will be pleased to make a favourable Construction, and leave me the Liberty of Explanation, if there shall be any :—But I hope there shall be no Cause for it.

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‘ I hope, for my Affection in Religion, no Man doubteth me ; what my Education, and under whom, for many Years, is well known ; I lived near 30 Years in the Society of *Gray's-Inn* : And if one, that was a reverend Preacher in my Time, Dr. *Sibbs*, were now alive, he were able to give Testimony to this House, that when a Party, ill-affected in Religion, sought to weary him, and tire him out, he had his chiefest Encouragement from me.

‘ I have now, Mr. Speaker, been 15 Years of the King's Council ; from the first Hour to this Minute, no Man is able to say that ever I was Author, Adviser, or Consenter to any Project.

‘ It pleased the King, my gracious Master, after I had served him divers Years, to prefer me to two Places ; to be Chief Justice of the Common Pleas, and then Keeper of his Great Seal. I say it in the Presence of God, I was so far from the Thoughts of the one, and from the Ambition of the other, that but for my Master's Grace and Goodness, I had never enjoyed those Honours.

‘ I cannot tell, Mr. Speaker, nor do I know, what Particulars there are that may draw me into your Disfavour or ill Opinion ; and therefore I shall come very weakly armed : Yet to those that either in my own Knowledge, or by such Knowledge as is given me, and not from any in this House, I shall speak somewhat, that I hope, being Truth, and accompanied with Clearness and Ingenuity, will procure, at least, some Allay of that ill Opinion which may perhaps be conceived of me.

‘ Mr. Speaker, I had once the Honour to sit in the Place that you do : From the first Time I came thither

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thither, to the unfortunate Time (*d*), I do appeal to all that were here then, if I serv'd you not with Candour. Ill Office I never did to any of the House, good Offices I have Witnessed enough I did many. I was so happy that, upon an Occasion which once happened, I received an Expression and Testimony of the good Affection of this House towards me.

For the last unhappy Day, I had a great Share in the Unhappiness and Sorrow of it. I hope there are enough do remember, that no Man within the Walls of this House did express more Symptoms of Sorrow, Grief, and Distraction, than I did.

After an Adjournment for two or three Days, it pleased his Majesty to send for me, to let me know that he could not so resolve of Things as he wish'd; and therefore was desirous of an Adjournment for some few Days more. I protest I did not then discern in his Majesty any Inclination, and I believe it was not in his Thoughts, to dissolve this Assembly; but he was pleased, in the first Place, to give me a Command to deliver his Pleasure to the House for an Adjournment for some few Days, till the *Monday* following, as I remember; and commanded me withall to deliver his Pleasure, that there should be no further Speeches, but forthwith, upon the Delivery of the Message, I should come and wait upon him: He likewise commanded me, if Questions were offered to be put, upon my Allegiance I should not dare to do it. How much I did then, in all Humbleness, reason with his Majesty, is not for me here to speak; only thus much let me say, I was no Author of any Counsel in it, I was only a Person receiving a Commission. I speak not this as a Thing I now produce or do invent, or take up for my own Excuse; but that which is known to divers, and some Honourable Persons in this House, to be most true. All that I will say for that, is humbly to beseech you all to consider, that if it had been any other Man's Case as it was mine, how he would have

(*d*) See Vol. VIII. p. 332.

have comported himself between the Displeasure of An. 16. Car. I.
a gracious King, and the ill Opinion of this Ho- 1640.
nourable Assembly. I beseech you lay all together,
lay my first Actions and Behaviour with the last;
I shall submit all to your honourable and favour-
able Constructions.

‘ For the Shipping-Business, my Opinion of that
Cause hath lain heavy upon me. I shall clearly
and truly present unto you what every Thing is,
with this Protestation, That if, in reckoning up my
own Opinion that I was of, or what I delivered,
any thing of it be displeasing, or contrary to the
Opinion of this House, that I am far from justify-
ing of it; but submit that, and all other my Actions,
to your Wisdoms and Goodness.

‘ Mr. Speaker, as to the first Writs that were
sent out about the Shipping-Business, I had no more
Knowledge of it, and was as ignorant as any one
Member of this House, or any Man in the King-
dom: I was neither the Author nor Adviser of it;
and will boldly say, from the first to this Hour, I
did never advise nor counsel the setting forth of any
Ship-Writs in my Life.

‘ Mr. Speaker, it is true that I was made Chief
Justice of the *Common Pleas* some four Days be-
fore the Ship-Writs went out to the Ports and Ma-
ritime Places. As I do remember the 20th of Oc-
tober, 1634, they do bear *Tesse*; and I was sworn
Justice the 16th of *October*; so they went out in
that Time, but without my Knowledge or Privy:
The God of Heaven knows this to be true.

‘ Mr. Speaker, afterwards his Majesty was pleased
to command my Lord Chief Justice of the *King’s-
Bench*, that then was, Sir *Thomas Richardson*; and
Chief Baron of the *Exchequer* that now is (e), and
myself, then Chief Justice of the *Common Pleas*, to
take into Consideration the Precedents then brought
unto us, which we did; and after returned to his Ma-
jesty what we had found out of those Precedents.

‘ It is true, afterwards, his Majesty did take into
Consideration, That if the whole Kingdom were
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(e) Sir Humphry Davenport.

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concerned, it was not Reason to lay the whole Burthen upon the Cinque Ports and Maritime Towns only : But upon what Ground his Majesty took that Consideration, I do confess I do know nothing of it.

‘ His Majesty did command my Lord Chief Justice, that now is (c), my Lord Chief Baron, and myself, to return our Opinions ; *Whether, when the whole Kingdom is in Danger, and the Kingdom in general is concerned, it be not according to Law and Reason, that the whole Kingdom and his Majesty, and all interested therein, should join in defending and preserving thereof ?* This was in Time, about 1634.

‘ In Michaelmas Term following, his Majesty commanded me to go to all the Judges, and require their Opinions in particular. He commanded me to do it to every one, and to charge them, upon their Duty and Allegiance, to keep it secret. Mr. Speaker, this was never intended by his Majesty (so professed by him at that Time, and so declared to all the Judges) nor was it required by him to be such a binding Opinion to the Subject, as to hinder him from calling it in Question ; nor to be binding to themselves, but that, upon better Reason and Advice, they might alter it ; he only desired their Opinions for his own private Satisfaction.

‘ I know very well, that extrajudicial Opinions of Judges ought not to be binding : But I did think, and speak my Heart and Conscience freely ; myself and the rest of the Judges being sworn, and by our Oaths tied to counsel the King when he should require Advice of us ; and we were bound, by our Oaths and Duties, to return our Opinions, when demanded ; accordingly I did obey his Majesty’s Command, and do here, before the God of Heaven, avow it.

‘ I did never use the least Promise of Preferment, or Reward to any, nor did use the least Menacing ; I did leave it freely to their own Consciences and Liberty ; for I was left the Liberty of my own by his

(c) Sir Thomas Brampton,

his Majesty, and had Reason to leave them the same Liberty. An. 16. Car. I. 1640.

‘ And I beseech you be pleased to have some Belief, that I would not say this, but that I know the God of Heaven will make it appear; and I beseech you, that extravagant Speeches may not move against that which is a positive and clear Truth.

‘ Mr. Speaker, in the Discourse of this (as there are, between Judges, some small Discourses sometimes) never was there any Cause wherein Judges conferred, that so little Conference was as between me and them.

‘ Mr. Speaker, against a Negative I can say nothing; but I shall affirm nothing unto you, but, by the Grace of God, as I affirm it to be true, so I make no Doubt of making it appear to be so.

‘ This Opinion was subscribed without Solicitation; there was not any Man of us did make any Doubt of subscribing our Opinion, but two, Mr. Justice *Hutton*, and Mr. Justice *Crooke*.

‘ Mr. Justice *Crooke* made not a Scruple of the Thing, but of the Introduction, for it was thus: *That where the Ports and the Maritime Towns were concerned, there, according to the Precedents in former Times, the Charge lay on them: So when the Kingdom was in Danger, of which his Majesty was the sole Judge, whether it was not agreeable to Law and Reason, the whole Kingdom should bear the Charge?* I left this Case with Judge *Crooke*. The next Term I spake with him, he could give me no Resolution, because he had not seen the Writs in former Times; but did give his Opinion, *That when the whole Kingdom was in Danger, the Defence thereof ought to be borne by all.* So of that Opinion of his, there was no Need of a Solicitation.

‘ I speak no more here than I did, openly, in my Argument in the *Exchequer-Chamber*: This is the naked Truth. As for Mr. Justice *Hutton*, he did never subscribe at all. I will only say this, that I was so far from pressing him to give his Opinion, because he did ask Time to consider of it, that I will boldly say, and make it good, That when his

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Majesty would have had him sometimes sent for, to give his Opinion, I beseeched his Majesty to leave him to himself and his Conscience; and that was the ill Office I did.

The Judges did subscribe in *November or December, 1635.*

I had no Conference (nor truly, I think, by Accident, any Discourse) with any of the Judges touching their Opinions; for, till *February, 1636*, there was no Speech of it. And when they had delivered their Opinions, I did return, according to my Duty, to my Master the King, and delivered them to him; in whose Custody they be.

In *February, 1636*, upon a Command that came from his Majesty, by one of the then Secretaries of State, the Judges being all assembled in *Gray's-Inn*, we did then fall into a Debate of the Case then sent unto us; and we did then return our Opinion unto his Majesty. There was then much Discourse and great Debate about it.

Mine Opinion and Conscience, at that Time, was agreeable to that Opinion I then delivered. I did use the best Arguments I could, for the Maintenance of my Opinion; and that was all I did.

It is true that then, at that Time, Mr. Justice *Hutton*, and Mr. Justice *Crooke*, did not differ in the main Point, which was this: *When the Kingdom was in Danger, the Charge ought to be borne by the whole Kingdom.* But in this Point, *Whether the King was the sole Judge of the Danger?* they differed: So as there was, between the first Subscription, and this Debate and Consultation, some fifteen Months Difference.

It is true, that all of them did then subscribe, both Justice *Hutton* and Justice *Crooke*; which was returned to his Majesty, and after published by my Lord Keeper (d), my Predecessor, in the *Star-Chamber*.

For the Manner of publishing it I will say nothing, but leave it to those, whose Memories will call to Mind what was then done.

The

(d) *Thomas Lord Coventry.*

‘ The Reason of the Subscription of Justice *Hutton* and Justice *Crooke*, tho’ they differed in Opinion, grew from this that was told them from the rest of the Judges, *That where the greater Number did agree in their Vote, the rest were involved and included.*

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‘ Now, Mr. Speaker, I have faithfully delivered what I did in that Business, till I came, which was afterwards, to my Argument in the *Exchequer-Chamber*. The Question was, a *Scire Facias* issued out of the *Exchequer*, in that Case of Mr. *Hampden’s*; of which I can say nothing, for it was there begun, and afterwards adjourned, to have Advice of all the Judges.

‘ Mr. Speaker, among the rest, according to my Duty, I argued the Case.

‘ I shall not trouble you to tell you what my Argument was; I presume there are Copies enough of it: (e) Only I will, very briefly, tell you there are four Things which I then declared.

‘ First, *Concerning the Matter of Danger, and Necessity of the whole Kingdom.*

‘ I profess that there was never a Judge in the Kingdom did deliver an Opinion, but that it must be in a Case of apparent Danger.

‘ When we came to an Argument of the Case, it was not upon a Matter or Issue, but it was upon a Demurrer, Whether the Danger was sufficiently admitted in Pleading? And therefore this was not the Thing in Dispute, but only the first Degree and Step that led unto it.

‘ I did deliver myself as free and as clear as any Man did, That the King ought to govern by the positive Laws of the Kingdom; that he could not alter nor change, nor innovate in Matters of Law, but by common Consent in Parliament.

‘ I did further deliver, That if this were used to make a further Revenue or Benefit to the King, or in any other Way, but in Case of Necessity, and for the Preservation of the Kingdom, the Judgment did warrant no such Thing.

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(e) See this Argument at large in *Rushworth* Vol. III. p. 220, in Append.

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‘ My Opinion in this Business I did, in the Conclusion of my Argument, submit to the Judgment of this House.

‘ I never delivered my Opinion, That Money ought to be raised, but Ships provided for the Defence of this Kingdom; and in that the Writ was performed: And that the Charge ought not to be in any Case, but where the whole Kingdom was in Danger. Mr. Justice *Hutton* and Mr. Justice *Crooke* were of the same Opinion with me.

‘ Having related unto you my whole Carriage in this Business, I do humbly submit myself to your grave and favourable Censures; beseeching you not to think that I delivered these Things with the least Intention to subvert, or subject, the common Law of the Kingdom, or to bring in or to introduce any new Way of Government. It hath been as far from my Thoughts, as any Thing under the Heavens.

‘ Mr. Speaker, I have heard too that there hath been some ill Opinion conceived of me about *Forest-Business*; which was a Thing as far out of the Way of my Study, as any Thing I know towards the Law. But it pleased his Majesty, in the Sickness of Mr. *Noy* (*f*), to give some short Warning to prepare myself for that Employment.

‘ When I came there, I did both the King and Common-Wealth acceptable Service; for I did, and dare be bold to say, with extreme Danger to myself and Fortune, (some do understand my Meaning herein) run through that Business, and left the Forest-Boundaries as I found them.

‘ When I went down about that Employment, I satisfied myself about the Matter of Perambulation. There were great Difficulties of Opinions, what Perambulation was. I did arm myself as well as I could, before I did any thing in it.

‘ I did acquaint those that were then Judges, in the Presence of the noble Lords, with such Objections as I thought it my Duty to offer unto them. If they thought they were not Objections of such Weight

(*f*) See Vol. VIII. p. 392.

Weight, as were fit to stir them, I would not do the King that Disservice. They thought the Objections had such Answers as might well induce the like upon a Conference with the whole Country, admitting me to come and confer with them; to which the Country did unanimously subscribe.

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‘ It fell out afterwards, that the King commanded me, and all this before I was Chief Justice, to go into *Essex*; and did then tell me he had been informed, that the Bounds of the Forest were narrower than in Truth they ought to be; and I did according to his Command.

‘ I will here profess that which is known to many. I had no Thought, nor Intention, of enlarging the Bounds of the Forest, further than those Parts for which there was a Perambulation 26. *Edward IV.*

‘ I desired the Country to confer with me about it, if they were pleased to do it; and then, according to my Duty, I did produce those Records which I thought fit for his Majesty’s Service; leaving them to discharge themselves, as by Law and Justice they might do. (g)

‘ I did never, in the least kind, go about to overthrow the *Charter of the Forest*; and did publish and maintain *Charta de Foresta*, as a sacred Thing, and no Man to violate it; and that it ought to be preserved for the King and Common-Wealth.

‘ I do most humbly submit all that I have done to the Goodness and Justice of this House.’

Whitlocke tells us, ‘ This Apology of Lord *Finch*, which he calls a very elegant and ingenious Speech in his own Vindication, *et captare Benevolentiam*, was delivered with an excellent Grace and Gesture.’ He adds, ‘ That many were exceedingly taken with his Eloquence and Carriage, and it was a sad Sight to see a Person of his Greatness, Parts, and Favour, to appear in such a Posture, before such an Assembly, to plead for his Life and Fortunes.’

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(g) See an Account of this Forest-Business, in *Rushworth*, Volume III. p. 1957.

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The Lord Keeper being withdrawn from the House, Mr. Rigby, Member for *Wigan*, in *Lancashire*, stood up, and, in Answer to his Lordship, spoke as follows:

Mr. Speaker,

Mr. Rigby's
Speech in answer
to it.

‘ **T**HOUGH my Judgment prompts me to sit still and be silent, yet the Duty I owe to my King, my Country, and my Conscience, moves me to stand up and speak.

‘ Mr. Speaker, had not this Syren so sweet a Tongue, surely he could never have effected so much Mischief to this Kingdom: You know, Sir, *optimorum Putrefactio pessima*, the best Things putrified become the worst; and as it is in the natural, so in the Body Politick; and what’s to be done then, Mr. Speaker, we all know, *ense recidendum est*, the Sword of Justice must strike, *ne Pars sincera trahatur*.

‘ Mr. Speaker, it is not the Voice, *non Vox sed Votum*; not the Tongue, but the Heart and Actions that are to be suspected: For doth not our Saviour say it, *Shew me thy Faith by thy Works, O Man?* Now Mr. Speaker, hath not this Kingdom seen; seen, said I, nay felt and smarted under the Cruelty of this Man’s Justice? So malicious as to record it in every Court of *Westminster*, as if he had not been contented with the enslaving of us all, unless he entail’d it to all Posterity. Why shall I believe Words now, *cum Factum videam?* Shall we be so weak Men, as, when we have been injur’d and abused, to be gained again with fair Words and Complements? Or, like little Children, when we have been whipt and beaten, be pleased again with Sweet Meats? Oh, no: There be some Birds that, in the Summer of Parliament, will sing sweetly; who, in the Winter of Persecution, will, for their Prey, ravenously fly at all, upon our Goods, nay, seize upon our Persons; and hath it not been with this Man so, with some in this Assembly?

‘ Mr. Speaker, it hath been objected unto us, That in Judgment we should think of Mercy; and
Be

Be ye merciful as your heavenly Father is merciful; An. 16. Car. I. 1640.

now God Almighty grant that we may be so, and that our Hearts and Judgments may be truly rectified to know truly what is Mercy: I say to know what is Mercy; for there is the Point, Mr. Speaker: I have heard of foolish Pity, foolish Pity: Do we not all know the Effects of it? And I have met with this Epithet to Mercy, *Crudelis Misericordia*; and, in some Kind, I think there may be a cruel Mercy: I am sure the Spirit of God saith, *Be not pitiful in Judgment*; nay it saith, *Be not pitiful of the Poor in Judgment*; if not of the Poor, then a *latiori* not of the Rich; there's the Emphasis. We see, by the set and solemn Appointments of our Courts of Justice, what Provision the Wisdom of our Ancestors hath made for the Preservation, Honour, and Esteem of Justice; Witness our frequent Terms, Sessions, and Assizes; and in what Pomp and State the Judges in their Circuits, by the Sheriffs, Knights, and Justices, and all the Country, are attended oft-times for the hanging of a poor Thief for the stealing of a Hog or a Sheep; nay, in some Cases, for the stealing of a Penny, and very justly too, *in Terrorem*. And now, shall not some of them be hanged that have robbed us of all our Property; and shear'd, at once, all our Sheep, and all we have away; and would have made us all indeed poor *Belizarius's* to have begg'd for Half-pennies, when they would not have left us one Penny that we could have call'd our own?

Let us therefore now, Mr. Speaker, not be so pitiful as that we become remiss; not so pitiful in Judgment, as to have no Judgment; but set the deplorable Estate of *Great-Britain* now before our Eyes, and consider how our most gracious Sovereign hath been abused, and both his Majesty and all his Subjects injur'd, by these wicked Instruments: For which my humble Motion is, That with these Particulars we become not so merciful, as to the Generality (the whole Kingdom) we grow merciless. *Fiat Justitia.*

Whe-

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Ab. 16. Car. I.
1640.

I. Whether any more Members spoke on the same Occasion we know not. Yet the Commons were resolute in their Proceedings against the Lord Keeper ; and, soon after, exhibited Articles against him, and sent them to the Lords. But he, being aware of the Prosecution, thought proper to slip aside into *Holland*.

As his Escape prevented the further Progress of the Impeachment, we shall not give the Articles at large, but content ourselves with an Abstract thereof, with the Lord *Falkland's* Speech to the Lords, after they were read in that House ; as also a Copy of a Letter he wrote to the Earl of *Pembroke* after his Escape.

The Sum of the ARTICLES against him were as follows :

Articles of Im-
peachment a-
gainst the Lord
Finch.

I. **T**hat the said John Lord Finch, Baron of Fordwich, Lord-Keeper, &c. had traiterously endeavoured to subvert the fundamental Laws and establish'd Government of England, and, instead thereof, to introduce an arbitrary, tyrannical Government against Law ; which he hath declared by traiterous and wicked Words, Counsels, Opinions, Judgments, Practices, and Actions.

II. That, in pursuance of his traiterous Purposes, he did, in the third or fourth Years of his Majesty's Reign, being then Speaker of the House of Commons, and contrary to the Commands of that House, deny, and hinder the reading of some Things relating to the Safety of the King and Kingdom, and the Preservation of Religion, and did forbid all Members to speak ; and said, if any of them offered to speak, he would rise and go away, and did offer to rise and go away ; endeavouring, as much as in him lay, to subvert the ancient and undoubted Rights and Course of Parliaments.

III. That, being one of his Majesty's Council, he endeavoured to enlarge the Forests, particularly in Essex, beyond their due Bounds, &c.

IV. That, being Chief Justice of the Common-Pleas in the Year 1635, he drew up the Questions and Opinions,

Opinions, concerning Ship-Money, and solicited and An. 16. Car. I.
procured the Judges to sign them. 1640.

V. That he subscribed an extrajudicial Opinion relating to Ship-Money himself, and pressed the Justices, Crooke and Hutton, to sign them against their Consciences.

VI. That he delivered his Opinion against Mr. Hampden in the Exchequer-Chamber, in the Case of Ship-Money; and threaten'd the said Judges to induce them to deliver the like Opinion; and urged Baron Denham to retract the Opinion he had given for Mr. Hampden.

VII. That he published, in his Circuit, That his Majesty's Right to Ship-Money was so inherent in the Crown, that an Act of Parliament could not take it away; and threaten'd all such as refused to pay it.

VIII. That he did most of the Business of the Common-Pleas in his private Chamber, and sent Warrants into several Counties to release all Persons arrested on Outlawries, on paying forty Shillings Fees; whereas no such Persons ought to be bailed or released without a Superfedeas under Seal, or Reversal.

IX. The ninth Article charges him with perverting Justice, while he was Lord Chief Justice of the Common-Pleas.

X. That he endeavoured to incense his Majesty against Parliaments; and framed and advised the publishing the Declaration, after the Dissolution of the last Parliament.

After the reading of these Articles, the Lord Falkland made the following Speech in Support of them.

My Lords,

• **T**Hese Articles against my Lord Finch being Lord Falkland's read, I may be bold to apply that of the Speech in Support thereof.
Poet,

Nil refert tales Versus qua Voce legantur.

And I doubt not but your Lordships must be of the same Opinion, of which the House of Commons appears

An. 16. Car. 1. appears to have been, by the Choice they made of
1640.

me, that the Charge I have brought is such, as needs no Assistance from the Bringer; leaving not so much as a Colour for any Defence, including all possible Evidence, and all possible Aggravation, that Addition alone excepted, which he alone could make, and hath made, I mean his Confession, included in his Flight.

Here are many and mighty Crimes, Crimes of Supererogation; So that High Treason is but a Part of his Charge, pursuing him fervently in every several Condition; being a silent Speaker, an unjust Judge, and an unconscionable Keeper: That his Life appears a perpetual Warfare, by Mines and by Battery, by Battle and by Stratagem, against our fundamental Laws, (which, by his own Confession, several Conquests had left untouch'd) against the excellent Constitution of this Kingdom, which hath made it appear unto Strangers rather an Idea, than a real Common-Wealth; and produced the Honour and Happiness of this as the Wonder of every other Nation; and this with such unfortunate Success, that, as he always intended to make our Ruins a Ground of his Advancement, so his Advancement the Means of our further Ruin.

After that, contrary to the Duty of his Place, and the End of that Meeting in which he held his Place, he had, as it were, gagg'd the Common-Wealth; taking away, to his Power, all Power of Speech from that Body, of which he ought to have been the Mouth, and which alone can perfectly represent the Condition of the People, whom that only represents; which, if he had not done, in all Probability, what so grave and judicious an Assembly might have offered to the Consideration of so gracious and just a Prince, had occasioned the Redress of the Grievances they then suffered, and prevented those which they have since endured: According to the antient Maxim of *Odiffe quos læseris*, he pursued this Offence towards the Parliament, by inveighing against the Members, by scandalizing their Proceedings, by trampling upon their Acts
and

Declarations; by usurping and devolving the Right, An. 16. Car. I. 1640. by diminishing and abrogating the Power, both of that and other Parliaments, and making them, as much as in him lay, both useless and odious to his Majesty; nay, he pursued his Hatred to this Fountain of Justice, by corrupting the Streams of it, the Laws; and perverting the Conduit Pipes, the Judges.

‘ He practised the annihilating of antient and notorious Perambulations of particular Forests, the better to prepare himself to annihilate the antient and notorious Perambulations of the whole Kingdom; the Meeres and Boundaries between the Liberties of the Subject and Sovereign Power; he endeavoured to have all Tenures *durante Beneplacito*, and to bring all Law from his Majesty’s Courts into his Majesty’s Breast; he gave our Goods to the King, our Lands to the Deer, our Liberties to his Sheriffs; so that there was no Way by which we had not been oppress’d and destroyed, if the Power of this Person had been equal to his Will; or that the Will of his Majesty had been equal to his Power.

‘ He not only, by this Means, made us liable to all the Effects of an Invasion from without, and (by Destruction of our Liberties, which included the Destruction of our Property, which included the Destruction of our Industry) made us liable to the terriblest of all Invasions within, that of Want and Poverty: So that, if what he plotted had taken Root (and he made it as sure as his Declaration could make it, what himself was not, Parliament-Proof) in this wealthy and happy Kingdom, there could have been left no Abundance but of Grievances and Discontent, no Satisfaction but amongst the Guilty.

‘ It is generally observed of the Plague, that the Infection of others, is an earnest and constant Desire of all that are seized by it; and as this Design resembles that Disease, in the Ruin, Destruction, and Desolation it would have wrought, so it seems no less like it in the Effect; he having so laboured to make others share in that Guilt, that his

An. 16. Car. 1.
1645.

Solicitation was not only his Action, but theirs; making Use both of his Authority, his Interest, and Importunity to persuade; and, in his Majesty's Name, (whose Piety is known to give that excellent Prerogative to his Person, that the Law gives to his Place, not to be able to do Wrong) to threaten the rest of the Judges, to sign Opinions contrary to Law; to assign Answers contrary to their Opinions; to give Judgment, which they ought not to have given; and to recant Judgment, when they had given it as they ought: So that whosoever considers his Care of, and Concernment, both in the Growth and the Continuance of this Project, cannot but, by the same Way, by which the wisest Judgment found the true Mother of the Child, discover him not only to have been the Fosterer, but the Father of this most pernicious and envious Design.

‘ I shall not need to observe, that this was plotted and pursued by an *Englishman* against *England*; which increaseth the Crime in no less Degree than Parricide is beyond Murder: That this was done in the greatest Matter joined to the greatest Bond, being against the general Liberty, and publick Property, by a sworn Judge; and if Salt itself become unfavoury, the Gospel itself hath designed whither it must be cast: That he poisoned our very Antidotes, and turned our Guards into a Destruction, making Law the Ground of Illegality: That he used the Law not only against us, but against itself; making it, as I may say, *Felo de se*; making the Pretence, for I can scarce say, the Appearance of it, so to contribute to the utter Ruin of itself.

‘ I shall not need to say, that either this is, or can be of the highest Kind, and in the highest Degree, Parliamentary Treason; a Treason which needs not a Combination of many several Actions, which alone were not Treason, to prove a Treason altogether; and by that Demonstration of the Intention, to make that formally Treason, which were, materially, but a Misdemeanor; a Treason as well against the King, as against the Kingdom; for whatsoever is against the Whole, is undoubtedly

ly against the Head ; which takes from his Majesty the Ground of his Rule, the Laws ; (for if Foundations be destroyed, the Pinnacles are most endangered) which takes from his Majesty the principal Honour of his Rule, the Ruling over free Men ; a Power as much nobler than that over Villains, as that is over Beasts ; which endeavour'd to take from his Majesty the principal Support of his Rule, their Hearts and Affections over whom he rules ; a better and surer Strength and Wall to the King, than the Sea is to the Kingdom ; and, by begetting a mutual Distrust, and by that a mutual Disaffection between them, to hazard the Danger even of the Destruction of both.

‘ My Lords, I shall the less need to press this, because as it were unreasonable in any Case to suspect your Justice ; so, here especially, where your Interest so nearly unites you ; your great Share in Possessions, giving you an equal Concernment in Property ; the Care and Pains, used by your noble Ancestors in the founding and asserting of our Common Liberties, rendering the just Defence of them your most proper and peculiar Inheritance ; and both exciting to oppose and extirpate all such Designs as did introduce, and would have settled, an Arbitrary, that is, an intolerable Form of Government ; and have made even your Lordships and your Posterity but Right Honourable Slaves.

‘ My Lords, I will spend no more Words, *luctando cum Larva*, in accusing the Ghost of a departed Person, whom his Crimes accuse more than I can do ; and his Absence accuseth no less than his Crimes. Neither will I excuse the Length of what I have said, because I cannot add to an Excuse, without adding to the Fault ; nor plead for my own Imperfections, either in the Matter or Manner of it. I will only desire by the Command, and in the Behalf of the House of Commons, that these Proceedings against the Lord *Finch*, may be put in so speedy a Way of Dispatch, as in such Cases the Course of Parliament will allow.’

The

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An. 26. Car. 1.
1640.

The Lord Keeper's Letter from the *Hague*, to the Earl of *Pembroke*, Lord Chamberlain, after his Escape, was as follows:

Hague, Jan. 3, 1640.

My most well-beloved Lord,

Lord Finch's
Letter to the
Earl of Pem-
broke, after his
Escape.

THE Interest your Lordship hath ever had in the best of my Fortunes and Affections, gives me the Privilege of troubling your Lordship with these few Lines, from one that hath now nothing left to serve you withall but his Prayers: These your Lordship shall never want, with an Heart as full of true Affection to your Lordship, as ever any was.

My Lord, it was not the Loss of my Place, and with that of my Fortunes, nor being exiled from my dear Country and Friends, though many of them were Cause of Sorrow, that afflicts; but that which I most suffer under, is, that Displeasure of the House of Commons conceived against me: I know how true a Heart I have ever borne towards them, and your Lordship can witness, in part, what Ways I have gone in, but Silence and Patience best becomes me; with these I must leave myself and my Actions to the favourable Construction of my noble Friends, in which Number your Lordship hath a prime Place.

I am now at the *Hague*, where I arrived on Thursday the last Day of last Month, where I purpose to live in a Fashion agreeable to the Poorness of my Fortunes. As for any Views in this World, I have utterly cast off the Thoughts of them; and my Aim shall be so to learn to number my Days, that I may apply my Heart unto Wisdom; that Wisdom that shall wipe all Tears from mine Eyes and Heart, and lead me by the Hand to true Happiness, which can never be taken from me.

I pray the God of Heaven to bless this Parliament with both a happy Progress and Conclusion: If my Ruin may conduce but the least to it, I shall not repine at it.

I truly pray for your Lordship, and your noble Family, that God would give an Increase of all worldly Blessings, and, in the Fullness of Days, to receive you to his Glory; if I were capable of serving any Body,

I would tell your Lordship, that no Man should be readier to make known his Devotion, and true Gratitude to your Lordship, than An. 16. Car. I. 1640.

Your Lordship's most humble and affectionate poor Kinsman and Servant,

FINCH.

Dec. 22. The House of Commons followed their Blow yet farther, by accusing the Lord Chief Justice *Bramston*, and four other Judges, before the House of Lords, of high Crimes and Misdemeanors, as is mentioned in the Abstract from the *Journals*. We have met with a Speech on this Occasion, spoke in that House; and though the Member's Name is not mentioned, its extraordinary Stile deserves our Notice. Observing that this Accusation of the Judges was grounded on the Resolutions of the House, *Dec. 7*, in the Case of Ship-Money.

Mr. Speaker (b),

IT was a Custom among the *Romans*, (who, as A Speech against by their Power they once gave Laws, so, by the Judges. the happy Success of their long flourishing Government, might they well give Examples to all the World) That, in their Senates, the youngest Men spoke first: Partly that they might not have their weaker Notions anticipated by the more knowing Senators; and partly that the Senate might not be diverted from the mature Resolutions of the more antient, by the Interposition of the younger Men: They, as all free States, ever allowing free Members to express themselves according to their several Capacities; and, methinks, 'twas a happy Method. So the Opinions and Inclinations of the Assembly, being discovered and ripened to Resolution by such Gradations, the Sentences of the Sages sounded as Judgments, not Orations; their Wisdom and Gravity put a seasonable Period to, perhaps otherwise, endless Discourses.

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(b) From the original Edition printed by George Mabb, London, 1641. It is also in *Rushworth*, but this is much more correct.

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‘ Their Precedent encourages me (who worst may) to break the Ice: Children can lay their Fingers on the Sore, and point out their Pain: Infant Graduates in Parliament may groan out the Grievances of a diseased Common-Wealth; but they must be Doctors in the Art of Government that can apply apt Remedies to recover it.

‘ Mr. Speaker, antient and approved hath been that Paralel of the Body Politic with the Body Natural: ’Tis the Part of their Patients in either Case, to impart freely their Grievs to the Physicians of the Body or State, if they expect a Cure.

‘ This Common-Wealth is, or should be, but one Body. This House, the great Physician of all our Maladies. But, alas! Mr. Speaker, of what afflicted Part shall we poor Patients complain first? Or rather of what shall we not complain? Are we not heart-sick? Is there in us that which God requires, Unity, Purity, and Singularity of Heart? Nay, is not Religion, the Soul of this Body, so miserably distracted, that, I speak it not without Terror of Heart, ’tis to be feared there is more Confusion of Religions amongst us, than there was of Tongues at the Subversion of *Babel*? And is it not then high Time that we understand one another, that we be reduced to one Faith, one Government?

‘ Sir, is the Head whole, the Seat of Government and Justice, the Fountain from whose sweet Influence all the inferior Members of this Body should receive both Vigour and Motion? Nay, hath not rather a general Apoplexy, or Palsy, taken or shaken all our Members? Are not some dead; others buried quick; some dismembered; all disordered by the Diversion of the Course of Justice?

‘ Is the Liver, Nature’s Exchequer, open, from whose free Distribution each Limb may receive his proper Nutriment; or, rather, is it not wholly obstructed; our Property taken from us; so that it may properly be said of us?

Sic vos non vobis fertis aratra. —

‘ Our

‘ Our Ancestors drank the Juice of their own Vines, reap’d and eat the Fruit of their own Harvest; but now the poor Man’s Plough goes to furrow the Seas, to build Ships: We labour not for ourselves, but to feed the Excrefcions of Nature; Things grown up out of the Ruins of the natural Members, *Monopolists*. An. 16. Car. I.
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‘ Sir, these are *Maxima Vitalia*; Religion, Justice, Property; the Heart, the Head, the Liver of this great Body; and these being so distempered or obstructed, can the subordinate Parts be free? No, Sir. The Truth is, all is so far out of Frame, that to lay open every particular Grievance were to drive us into Despair of Cure: In so great Confusion, where to begin first, requires not much less Care than what to apply.

‘ Mr. Speaker, I know ’tis a plausible Motion to begin with setting God’s House in Order first: Whoever presses that, moves with such Advantage, that he is sure no Man will gain-say him. ’Tis a well becoming Zeal to prefer Religion before our own Affairs; and indeed ’tis a Duty not to be omitted, where they are in equal Danger: But in Cure of the Body Politic or Natural, we must prefer the most pressing Exigencies.

‘ Physicians know that Consumptions, Dropsies, and such like lingering Diseases are more mortal, more difficult to cure, than slight external Wounds: Yet if the least Vein be cut, they must neglect their greater Cures to stop that; which, if neglected, must needs exhaust the Stock of Nature, and produce a Dissolution of the whole Man.

‘ A Defection from the Duties of our Religion is a Consumption to any State: No Foundation is firm that is not laid in Christ.

‘ The Denial of Justice, the Abridgment of our Liberties, are such an Obstruction as renders the Common-Wealth leprous; but the Wounds in our Property lets out the Life-Blood of the People.

‘ The Reformation of Church-Government must necessarily be a Work of much Time; and, God be thanked, the Disease is not desperate: We

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serve one God, we believe in one Christ, and we all acknowledge and profess one Gospel. The Difference is only *de Modo*; we vary but in Ceremonies; to reduce which to the primitive Practice must be a Work of great Debate; is not a Work for us alone to settle.

‘ The Stop of Justice can yet injure but Particulars. ’Tis true, there may be many, too many Instances of strange Oppressions, great Oppressors; but ’twill be hard to judge the Conclusion: *Et sic de cæteris*.

‘ But take from us the Property of our Estates, our Subsistence, we are no more a People: This is that Vein which hath been so deep cut, so far exhausted, that to preserve our Being, we must, doubtless, stop this Current: It will be Time enough to settle Rules to live by, when we are sure to live.

‘ Mr. Speaker, he that well weighs this little Word *Property*, or *Propriety*, in our Estates, will find it of a large Extent. The Leeches that have suck’d this Blood, have been Excise, Benevolences, Loans, Impositions, Monopolies, Military Taxes, Ship-Money, *cum multis aliis*, all which spring from one Root. And is it not high Time to grub up that Root, that brings forth such Fruit? Shall we first stand to lop the Branches one by one, when we may down with all at once? He that to correct an evil Tree, which brings forth bad Fruit, shall begin at the Master-Bough, and so lop downwards, is in Danger to fall himself before the Tree falls. The safer and speedier Way, is to begin at the Root; and there, with Submission to better Judgments, would I lay the Ax.

‘ The Root of most of our present Mischiefs, and the Ruin of all Posterity, I hold to be that extrajudicial (Judgment I cannot say, but rather) Doom, delivered by all the Judges under their Hands out of Court, yet recorded in all Courts; to the Subversion of all our fundamental Laws and Liberties, and the Annihilation, if not Confiscation, of all our Estates. *That, in case of Danger, the King may impose upon his Subjects, and that he is the sole Judge of*

of the Danger, Necessity, and Proportion. This, in An. 16. Car. 1. 1640.
brief, is *to take what, when, and where he will*;
which, though delivered in the Time of a gracious
and merciful Prince, who we hope will not wrest
it beyond our Abilities; yet when left to the Inter-
pretation of a succeeding Tyrant, if ever this Na-
tion be so unfortunate to fall into the Hands of such,
it is a Record wherein every Man might read him-
self a Slave that reads it; having nothing he can call
his own, but all prostitute to the Will of another.

‘ What to do in such a Case, we are not to seek
for Precedents. Our Honourable Ancestors taught
us in the just and exemplary Punishments of Chief
Justice *Tresilian* and his Complices, for giving their
Judgments out of Parliament, against the establish’d
Laws of Parliament (*c*), how tender they were of us:
How careful then ought we to be to continue those
Laws, and to preserve the Liberty of our Posterity!

‘ I am far from maligning the Person, nor in
my Heart wish I the Execution, of any Man; but
certainly it shall be a Justice well becoming this
House, to lay their Heads at his Majesty’s Mercy,
who laid us under his Feet; who had made us but
Tenants at Will of our Liberties and our Estates.
And though I cannot but approve of Mercy, as
a great Virtue in any Prince; yet I heartily pray
it prove a Precedent as safe and useful to this op-
pressed State, as that of Justice.

‘ Mr. Speaker, blasted may that Tongue be,
that shall in the least Degree derogate from the
Glory of those Halcyon Days our Fathers enjoyed,
during the Government of that ever-blessed, never-
to-be-forgot, Royal *Elizabeth*: But certainly I
may safely say, without Detraction, it was much
Advantage to the Peace and Prosperity of her
Reign, that the great Examples of *Empson* and
Dudley were then fresh in Memory: (*d*) The Ci-
vility of our Laws tell us, *That the King can do no*
K 3 *Wrong*;

(*c*) Sir Robert *Tresilian* was hang’d; the other Judges were
convicted, but had their Lives given them at the Request of the
Bishops.—See the Proceedings against them in our First Volume,
p. 415, *et seq.*

(*d*) In the Reign of Henry VIII. Vol. III. p. 7.

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Wrong; and then is the State secure, when Judges, their Ministers, dare do none. Since our Times have found the Want of such Examples, 'tis fit we leave some to Posterity. God forbid all should be thought or found guilty; there are doubtless some Ring-leaders, let us sift them out. In public Government to pass by the Nocent, is equal Injustice, as to punish the Innocent. An Omision of that Duty now, will be a Guilt in us, render us shamed in History, and cursed by Posterity. Our gracious and (in that Act of voluntary Justice) most glorious King hath given up, to the Satisfaction of his afflicted People, the Authors of their Ruins: The Power of future Preservation is now in us. *Et qui non servat Patriam cum potest, idem tradit destruendi Patriam.*

What though we cannot restore the Damage of the Common-wealth, we may yet repair the Breaches in the Bounds of Monarchy: Though it be with our Loss and Charge, we shall so leave our Children's Children, fenced as with a Wall of Safety, by the Restoration of our Laws to their antient Vigor and Lustre.

'Tis too true, and, 'tis to be fear'd, the Revenues of the Crown, sold out-right, would scarce remunerate the Injuries, repay the Losses of this suffering Nation, since the Pronouncing of that fatal Sentence. What proportionable Satisfaction then can this Common-wealth receive in the Punishment of a few inconsiderable Delinquents? But 'tis a Rule valid in Law, and approved in Equity, that *Qui non habent in Crumena, luant in Corpore*. And 'tis, without all Question in Policy, exemplary Punishments that conduce more to the Safety of a State, than Pecuniary Reparations. Hope of Impunity lulls every bad great Officer into Security for his Time: And who would not venture to raise a Fortune, when the Allurements of Honour and Wealth are so prevalent, if the worst that can fall, be but Restitution only?

We see the bad Effects of this bold, erroneous Opinion. What was, at first, but corrupt Law,

is

is since, by Encouragement taken from their Impunity, become false Doctrine. The People are taught in Pulpits, *That they have no Property*; Kings instructed in that destructive Principle, *That all is theirs*; and it is thence deduced into necessary State-Policy, and whispered in Council, *That he is no Monarch, who is bounded by any Law.* An. 16. Car. 1. 1640.

'By these bad Consequences, the best of Kings hath been, by the Infusion of such poisonous Positions, diverted from the sweet Inclinations of his own natural Equity and Justice; the very Essence of a King taken from him, which is the Preservation of his People: And whereas *Salus Populi* is, or should be, *Suprema Lex*; the Power of Undoing us is mask'd under the Stile of *Sacred Royal Prerogative*. And is it not high Time for us to make Examples of the first Authors of this subverted Law, bad Counsel, worse Doctrine?

'Let no Man think to divert us from the Pursuit of Justice, by poisoning the clear Streams of our Affections, with jealous Fears of his Majesty's Interruptions, if we look too high. Shall we therefore doubt of Justice, because we have need of great Justice? We may be confident the King well knows, that his Justice is the Band of our Allegiance: That it is the Staff, the Proof, of his Sovereignty.

'Tis a happy Assurance of his Intention of Grace to us, that our Loyalty hath at last won him to tender the Safety of his People: And certainly (all our Pressures well weighed this twelve Years last past) it will be found, that the passive Loyalty of a suffering Nation hath out-done the active Loyalty of all Times and Stories. As the Poet hath it,

Fortiter ille facit, qui miser esse potest;

I may as properly say, *Fideliter fecimus*, we have done loyally to suffer so patiently.

'Then since our Royal Lord hath, in Mercy, visited us, let us not doubt but, in his Justice, he will redeem his People. *Qui timide rogat docet negare:*

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gare: But when Religion is innovated; our Liberties violated; our fundamental Laws abrogated; our modern Laws already obsoleted; the Property of our Estates alienated; nothing left us, we can call our own, but our Misery and our Patience: If ever any Nation might justifiably, we certainly may now, now most properly, most seasonably, cry out, and cry aloud, *Vel sacra regnet Justitia, vel ruat Cælum.*

‘ Mr. Speaker, the Sum of my humble Motion is, That a special Committee may be appointed to examine the whole Carriage of that extrajudicial Judgment; who were the Counsellors, Solicitors, and Subscribers to the same; and the Reasons of their Subscriptions; whether, according to their real Opinions, by Importunity or Pressure of others, or whether *pro forma tantum*; and upon Report thereof to draw up a Charge against the Guilty, and then *Lex currat, fiat Justitia.*’

Dec. 31. Sir George Ratcliff was impeached by the Commons, at a Conference with the other House on the following Articles:

Articles of Impeachment against Sir George Ratcliff.

I. **T**hat he the said Sir George Ratcliff hath traiterously conspired and confederated with Thomas Earl of Strafford, to subvert the fundamental Laws and Governments of the Realms of England and Ireland; and to introduce arbitrary and tyrannical Government, against Laws; and hath been a Counsellor, Actor, and Abettor in that wicked and traiterous Design of bringing the Irish Army into England, to compel the Subjects of this Kingdom to submit thereunto.

II. That he hath traiterously confederated and conspired with the said Earl of Strafford, and hath been an Actor, Counsellor, and Instrument to him, in assuming and exercising regal Power, over the Liberties and Persons, Lands and Goods of his Majesty's Subjects of Ireland; and accordingly hath exercised the same tyrannically, to the Subversion and Undoing of divers of his Majesty's liege People.

III. That, for the better enabling the said Earl and himself to go on with their traiterous Designs, he, the

the said Sir George Ratcliff, traiterously joined and confederated with the said Earl, in taking great Sums of Money out of his Majesty's Exchequer of Ireland, and converting them to the Use of the said Earl and himself, when his Majesty was necessitated for his own urgent Occasions, the Army having been then long unpaid.

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IV. That he hath traiterously confederated with the said Earl, and abused the Power and Authority which he held in Ireland, to the countenancing and encouraging of Papists, that he might settle a mutual Dependence and Confidence betwixt the Earl and himself, and that Party; and to alienate the Affections of the Irish Papists from the Subjects of England, and by their Help to prosecute and accomplish their malicious and tyrannical Designs.

V. That he hath traiterously confederated with the said Earl of Strafford, in plotting and endeavouring to stir up Enmity and Hostility between his Majesty's Subjects of Ireland and those of Scotland.

VI. That, the better to preserve himself and the said Earl, in these and other traiterous Courses, he hath laboured to subvert the Rights of Parliament, and the antient Course of Parliamentary Proceedings.

All which Offences were committed during the Time that the said Sir George was a Counsellor of State in the Kingdom of Ireland, and had taken Oath for the faithful Discharge of the same.

By which Actions, Confederacies, and Conspiracies, he hath, traiterously, and contrary to his Allegiance, endeavoured the Ruin and Destruction of his Majesty's Kingdoms, for which they do impeach the said Sir George Ratcliff of High Treason against our Sovereign Lord the King, his Crown and Dignity.

And the said Commons saving to themselves, &c. do pray that the said Sir George may be put to answer all and every of the Premises, and that such Trial and Judgment may be had thereon, as is agreeable to Law and Justice.

After

An. 16. Car. 1. After the Reading of these Articles, Mr. *Pymme*
1640. delivered himself to the Lords in these Words (e):

My Lords,

Mr. *Pymme*'s
Speech in sup-
port thereof.

‘ BY hearing this Charge, your Lordships may perceive what near Conjunction there is between this Cause and the Earl of *Strafford*'s: The Materials are, for the most Part, the same in both: The Offences of the Earl, moving from a higher Orb, are more comprehensive; they extend both to *England* and *Ireland*: These, except in one Particular, of reducing *England* by the *Irish* Army, are confined within this Kingdom. The Earl is charged as an Author, Sir *George Ratcliffe* as an Instrument and subordinate Actor.

‘ The Influences of superior Planets are often augmented and enforced, but seldom mitigated by the Concurrence of the inferior, where Merit doth arise not from Well-doing, but from Ill: The Officiousness of Ministers will rather add to the Malignity of their Instructions, than diminish it; that so they may more fully ingratiate themselves with those upon whom they depend.

‘ In the Crimes committed by the Earl, there appears more Haughtiness and Fierceness, being acted by his own Principles. Those Motions are ever strongest, which are nearest the *Primum Mobile*: But in those of Sir *George Ratcliffe*, there seems to be more Baseness and Servility, having resign'd and subjected himself to be acted upon by the corrupt Will of another.

‘ The Earl of *Strafford* hath not been bred in the Study and Practice of the Law, and having stronger Lusts and Passions to incite, and less Knowledge to restrain him, might more easily be transported from the Rule. Sir *George Ratcliffe*, in his natural Temper and Disposition, being more moderate, and, by his Education and Profession, better acquainted with the Grounds and Directions of the Law,

(e) From a Collection of this Gentleman's Speeches, printed by Richard Smitbers, 1641.

Law, was carried into his Offences by a more immediate Concurrence of Will, and a more corrupt Suppression of his own Reason and Judgment. An. 16. Car. I. 1640.

‘ My Lords, as both these have been Partners in offending ; so it is the Desire of the Commons they may be put under such Trial and Examination, and other Proceedings of Justice, as may bring them to partake of a deserved Punishment, for the Safety and Good of both Kingdoms.’

Sir *George Ratcliff* was then ordered to be brought to the Bar, and told, That the House of Commons had brought up Articles of High Treason against him; which being read unto him, and having Liberty to speak, he desired their Lordships that he might have Counsel assigned him, with Liberty to come and advise him ; because he conceived there was in the Charge divers Points of Law to be considered, and he himself was altogether unknowing in the Manner of Proceedings in this House. Next he desired, that he might be allowed a competent Time to answer in. Both which Requests were granted him.

Towards the End of this Month of *December*, there had been some Overtures made in the House, towards augmenting the Supply already voted; when *Two Subsidies* more were added to the foregoing. There is a short and pressing Speech for it, made by Sir *Benjamin Rudyard*, with which we shall conclude the Business of this Month.

Mr. Speaker (f),

‘ THE principal Part of this Business is Money ; Sir Benjamin Rudyard’s Speech for a further Supply.
and now we are about it, I shall be glad we may give so much as will not only serve the Turn for the present, but likewise to provide that it come not quick upon us again : I believe that the *two Subsidies* are spent already. We know how much Time this Business hath cost us ; if we be but half as long about another, it may cost more than

(f) Not in *Rusworth* or *Nelson*. From the Original Edition, printed by *Thomas Walkley*.

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than Money: For if two Armies should be driven to extreme Necessity, (and they will be Judges of their own Necessity) we shall not be able to sit here, and give more, though we would.

‘ Believe it, Sir, this is the Business of all the Businesses in the House; of all the Businesses in the Kingdom: If we stand hacking for a little Money, we may very thriftily lose all we have; this being a Business of so peremptory and destructive a Nature.

‘ Wherefore, Mr. Speaker, my humble and earnest Motion is, That we may dispatch it fully, and at once; if there should be an Overplus of Money remaining, we can soon resolve how to dispose of it.

‘ *Four Subsidies* will do the Work, if they be given presently; for every Day tells us that we are not so much Masters of our own Time and Occasions, as to do every Thing when we would: Let us do this whilst we may. Tho’ I dwell not in the North, yet I dwell in England.’

The Month of *January* affords very few Materials to our Purpose; the Beginning of it was ushered in by the Accusation and Impeachment of the Lord Keeper *Finch*, as is already mentioned.

We find also a long Speech of Mr. *St. John’s*, said to be delivered *Jan. 7*, in the House of Lords, when the Votes and Resolutions of the Commons, concerning Ship-Money, were carried up.—This Speech was printed in a single Pamphlet at that Time, and is copied by Dr. *Nelson* (d) and Mr. *Rushworth* (e); but it appears by the *Journals* of the 6th of *February*, that a Committee was appointed to take some Course for suppressing the Copies of the said Speech, as imperfect and false, and contrary to Mr. *St. John’s* Knowledge and Pleasure; and that the Printer should be inquired after to answer for this Offence.

On the 19th, in the Debates concerning the Bill for preventing Inconveniences which happen by the long

(d) Vol. I. p. 705. (e) Vol. III. in *Append.* p. 248.

long Intermission of Parliaments, we find only one An. 16. Car. I.
Speech made in the House, by the Lord Digby, 1640.
which is as follows :

Mr. Speaker (f),

I Rise not now, with an Intent to speak to the Lord Digby's
Frame and Structure of this Bill, nor much Speech for fre-
quent Parlia-
by way of Answer to Objections that may be made; ments.
I hope there will be no Occasion for this, but that
we shall concur, all unanimously, in what con-
cerneth all so universally.

Only, Sir, by way of Preparation, to the end
that we may not be discouraged in this great Work,
by Difficulties that may appear in the Way of it,
I shall deliver unto you my Apprehensions in gene-
ral, of the vast Importance and Necessity that we
should go thorough with it.

The Result of my Sense is, in short, this,
That, unless for the frequent convening of Parlia-
ments, there be some such Course settled as may
not be eluded, neither the People can be prosperous
and secure, nor the King himself solidly happy. I
take this to be the *Unum necessarium*: Let us pro-
cure this, and all our other Desires will effect
themselves. If this Bill miscarry, I shall have left
me no public Hopes; and, once past, I shall be
freed of all public Fears.

The Essentialness, Sir, of frequent Parliaments,
to the Happiness of this Kingdom, might be infer-
red unto you by the Reason of contraries, and
from the woful Experience which former Times
have had of the mischievous Effects of any long In-
termission of them.

But, Mr. Speaker, why should we climb
higher than the Level we are on; or think further
than our Horizon; or have Recourse for Examples
in this Business to any other Promptuary than our
own Memories; nay, than the Experience almost
of the youngest here?

The Reflection, backward, on the Distractions
of former Times upon Intermission of Parliaments,
and

(f) From the Original Edition, printed by Thomas Walkley.

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An. 16. Car. I. and the Consideration, forward, of the Mischiefs
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likely still to grow from the same Cause, if not removed, doubtlesly gave first Life and Being to those two dormant Statutes of *Edward III.* for the yearly holding of a Parliament (g): And shall not the fresh and bleeding Experience, in the present Age, of Miseries from the same Spring, not to be paralleled in any other, obtain a Wakening, a Resurrection for them?

‘ The intestine Distempers, Sir, of former Ages upon the Want of Parliaments, may appear to have had some other co-operative Causes; as, sometimes, unsuccessful Wars abroad; sometimes, the Absence of the Prince; sometimes, Competitions of Titles to the Crown; sometimes, perhaps, the Vices of the King himself.

‘ Let us only consider the Posture, the Aspect of this State, both toward itself and the rest of the World; the Person of our Sovereign, and the Nature of our Suffering, since the 3d of his Reign: And there can be no Cause, colourably inventible, whereunto to attribute them, but the Intermision, or, which is worse, the undue Frustration of Parliaments, by the unlucky Use, if not Abuse, of Prerogative in the dissolving them.

‘ Take into your View, Mr. Speaker, a Kingdom in a State of the greatest Quiet and Security that can be fancied; not only enjoying the calmest Peace itself, but, to improve and secure its happy Condition, all the rest of the World at the same Time in Tempests, in Combustions, in uncomposible Wars.

‘ Take into your View, Sir, a King, Sovereign of three Kingdoms, by a Concentring of all the Royal Lines in his Person, as indisputably as any mathematical ones in *Euclid*; a King, firm and knowing in his Religion, eminent in Vertue; a King, that hath, in his own Time, given all the Rights and Liberties of his Subjects a more clear and ample Confirmation, freely and graciously (I mean in the *Petition of Right*) than any of his Prede-

(g) *Annis Regni 4. Cap. 14. et 36. Cap. 10.*

deceffors, (when the People had them at Advantage) An. 16. Car. 1.
extortedly (b).— This is one Map of England, 1640.
Mr. Speaker.

‘ A Man, Sir, that should present unto you, now, a Kingdom, groaning under that supreme Law which *Salus Populi periclitata* would enact; the Liberty, the Property, of the Subject fundamentally subverted, ravished away by the Violence of a pretended Necessity; a triple Crown shaking with Distempers; Men of the best Conscience ready to fly into the Wilderness for Religion! Would not one swear that this were the Antipodes to the other?— And yet, let me tell you, Mr. Speaker, this is a Map of England too, and both at the same Time but too true.

‘ As it cannot be denied, Mr. Speaker, that, since the Conquest, there hath not been in this Kingdom a fuller Concurrence of all Circumstances in the former Character, to have made a Kingdom happy, than for these twelve Years last past; so it is most certain, that there hath not been, in all that Deduction of Ages, such a Conspiracy, if one may so say, of all the Elements of Mischief in the second Character, to bring a flourishing Kingdom, if it were possible, to swift Ruin and Desolation.

‘ I will be bold to say, Mr. Speaker, (and I thank God, we have so good a King, under whom we may speak boldly of the Abuse of his Power by ill Ministers, without Reflection upon his Person) That an Accumulation of all the public Grievances since *Magna Charta*, one upon another, unto that Hour in which the *Petition of Right* past into an Act of Parliament, would not amount to so oppressive, I am sure not to so destructive, a Height and Magnitude to the Rights and Property of the Subject, as one Branch of our Beslaving since the *Petition of Right*! The Branch I mean is the Judgment concerning Ship-Money.

‘ This being a true Representation of England, in both Aspects, let him, Mr. Speaker, that (for the unmatched Oppression and enthralling of free Sub-

(b) See Vol. VIII. p. 202.

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I. Subjects, in a Time of the best King's Reign, and in Memory of the best Laws enacted in Favour of Subjects Liberty) can find a truer Cause than the Ruptures and Intermiſſion of Parliaments; let him, I ſay, and him alone, be againſt the Settling of this inevitable Way for the frequent holding of them.

'Tis true, Sir, wicked Miniſters have been the proximate Cauſes of our Miſeries; but the Want of Parliaments the primary, the efficient Cauſes: Ill Miniſters have made ill Times; but that, Sir, hath made ill Miniſters.

I have read, among the Laws of the *Athenians*, a Form of Recourſe, in their Oaths and Vows of their greateſt and public Concernment, to a three-fold Deity, *Supplicium Exauditori*, *Purgatori*, *Malefactorum Depulſori*. I doubt not but we, here aſſembled for the Common-wealth in this Parliament, ſhall meet with all theſe Attributes in our Sovereign. I make no queſtion but he will graciouſly hear our Supplications, purge away our Grievances, and expel Malefactors; that is, remove ill Miniſters, and put good in their Places.—No leſs can be expected from his Wiſdom and Goodneſs.

But let me tell you, Mr. Speaker, if we partake not of one Attribute more in him; if we addreſs not ourſelves unto that, I mean *Bonorum Conſervatori*, we can have no ſolid, no durable Comfort in all the reſt: For let his Maſteſty hear our Complaints never ſo compaſſionately: Let him purge away our Grievances never ſo efficaciouſly: Let him puniſh and diſpel ill Miniſters never ſo exemplarily: Let him make Choice of good ones never ſo exactly:—Yet, if there be not a Way ſettled to preſerve and keep them good, the Miſchiefs and they will all grow again like *Sampſon's* Locks, and pull down the Houſe upon our Heads.—Believe it, Mr. Speaker, they will.

It hath been a Maxim among the wiſeſt Legiſlators, That whoſoever means to ſettle good Laws, muſt proceed in them with a finiſter Opinion of all Mankind, and ſuppoſe, that whoſoever is not wicked, it is for Want only of the Opportunity.

It

‘ It is that Opportunity of being ill, Mr. Speaker, that we must take away, if ever we mean to be happy; which can never be done, but by the Frequency of Parliaments. An. 16. Car. 2.
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‘ No State can wisely be confident of any public Minister’s continuing good, longer than the Rod is over him.

‘ Let me appeal to all those that were present in this House, at the Agitation of the *Petition of Right*: And let them tell us truly, of whose Promotion to the Management of Affairs do they think the Generality would, at that Time, have had better Hopes than of the late Mr. *Noy* and Sir *Thomas Wentworth* (i); both being at that Time, and in that Business, as I have heard, most keen and active Patriots; and the latter of them, (to the eternal Aggravation of his infamous Treachery to the Common-Wealth be it spoken) the first Mover and Insister to have this Clause added to the *Petition of Right*, *That, for the Comfort and Safety of his Majesty’s Subjects, he would be pleased to declare his Will and Pleasure, that all his Ministers should serve him according to the Laws and Statutes of the Realm.*

‘ And yet, Mr. Speaker, to whom now can all the Inundations upon our Liberties, under Pretence of Law, and the late Shipwreck, at once, of all our Property (k), be attributed more than to *Noy*: And those, and all other Mischiefs whereby this Monarchy hath been brought, almost, to the Brink of Destruction, so much to any as to that Grand Apostate to the Common-Wealth, the now Lieutenant of *Ireland*?

‘ The first I hope God hath forgiven in the other World; and the latter must not hope to be pardoned in this, till he be dispatched to the other.

‘ Let every Man but consider those Men as once they were:—The excellent Law for the Security of the Subject, enacted immediately before their coming to Employment, in the contriving whereof

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them-

(i) See the Arguments of Mr. *Noy* (afterwards Attorney General) and Sir *Thomas Wentworth*, in our Eighth Volume.

(k) The Affair of Ship-Money, of which *Noy* was the Projector.

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An. 15. Car. 1. 1640. I. themselves were principal Actors:—The Goodness and Virtue of the King they served:—And yet the high and public Oppressions that, in his Time, they have wrought:—And surely there is no Man but will conclude with me, That, as the Deficiency of Parliaments hath been the *Causa Causarum* of all the Mischiefs and Distempers of the present Times; so the Frequency of them is the sole Catholic Antidote that can preserve and secure the future from the like.

‘ Mr. Speaker, let me yet draw my Discourse a little nearer to his Majesty himself: And tell you, That the Frequency of Parliaments is most essentially necessary to the Power, the Security, the Glory of the King.

‘ There are two Ways, Mr. Speaker, of powerful Rule, either by Fear, or Love; but only one of happy and safe Rule, that is, by Love; that *Firmissimum Imperium quo Obedientes gaudent*:—To this *Camillus*, advised the *Romans*. Let a Prince consider what it is that moves a People, principally, to Affection and Dearness towards their Sovereign, he shall see that there needs no other Artifice in it than to let them enjoy, unmolestedly, what belongs unto them of Right: If that hath been invaded and violated in any kind, whereby Affections are alienated, the next Consideration for a wise Prince, that would be happy, is how to regain them; to which three Things are equally necessary,

‘ Re-instating them in their former Liberty.

‘ Revenging them of the Authors of those Violations. And,

‘ Securing them from Apprehensions of the like again.

‘ The *first*, God be thanked, we are in a good Way of.

‘ The *second* in warm Pursuit of.

‘ But the *third*, as essential as all the rest, till we be certain of Triennial Parliaments, at the least, I profess I can have but cold Hopes of.

‘ I beseech you then, since that Security for the future is so necessary to that blessed Union of Affec-

fections, and this Bill so necessary to that Security; An. 16. Car. 1.
1640. let us not be so wanting to ourselves, let us not be so wanting to our Sovereign, as to forbear to offer unto him this powerful, this everlasting Phil-ter, to charm unto him the Hearts of his People, whose Virtue can never evaporate.

‘ There is no Man, Mr. Speaker, so secure of another’s Friendship, but will think frequent Inter-
course and Access very requisite to the Support, to the Confirmation of it : Especially if ill Offices have been done between them ; if the raising of Jealousies hath been attempted.

‘ There is no Friend but would be impatient to be debarred from giving his Friend Succour and Relief in his Necessities.

‘ Mr. Speaker, permit me the Comparison of great Things with little. What Friendship, what Union can there be so comfortable, so happy, as between a gracious Sovereign and his People? And what greater Misfortune can there be to both, than to be kept from Intercourse, from the Means of clearing Misunderstandings, from Interchange of mutual Benefits?

‘ The People of *England*, Sir, cannot open their Ears, their Hearts, their Mouths, or their Purses, to his Majesty, but in Parliament:—We can neither hear him, nor complain, nor acknowledge, nor give, but there.

‘ This Bill, Sir, is the sole Key that can open the Way to a Frequency of those reciprocal Endearments, which must make and perpetuate the Happiness of the King and Kingdom.

‘ Let no Man object any Derogation from the King’s Prerogative by it. We do but present the Bill, ’tis to be made a Law by him. His Honour, his Power, will be as conspicuous in commanding at once that Parliaments shall assemble every third Year, as in commanding a Parliament to be called this or that Year. There is more of Majesty in ordaining primary and universal Causes, than in the actuating particularly of subordinate Effects.

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An. 16. Car. 1. 1640. 'I doubt not but that glorious King, *Edward III.* when he made those Laws for the yearly calling of Parliaments, did it with a right Sense of his Dignity and Honour.

'The Truth is, Sir, the Kings of *England* are never in their Glory, in their Splendor, in their majestic Sovereignty, but in Parliament.

'Where is the Power of imposing Taxes? Where is the Power of restoring from Incapacities? Where is the Legislative Authority? Mary, in the King, Mr. Speaker. But how? In the King circled in, fortified and evirtuated by, his Parliament.

'The King, out of Parliament, hath a limited, a circumscribed Jurisdiction: But, waited on by his Parliament, no Monarch of the *East* is so absolute in dispelling Grievances.

'Mr. Speaker, in chasing ill Ministers, we do but dissipate Clouds that may gather again; but, in voting this Bill, we shall contribute, as much as in us lies, to the perpetuating our Sun, our Sovereign, in his vertical, in his Noon-day, Lustre.'

The Demands of the *Scots*, in regard to their Army, came on next to be debated; we meet with a Speech relating to it, which was Sir *John Wray's*. This Gentleman was for granting them all their Desires; and, in a short Speech, delivered himself to this Purpose:

Mr. Speaker (1),

Sir John Wray's
Speech relating
to the Demands
of the Scots.

There is no Malady more destructive to the natural or politic Body, than the *Morbus caducus*, or Falling-Sickness; nor is there any Physick or Compound more to be esteemed than that which can cure it in either. Mr. Speaker, this unknown Remedy, if we be wise to apply it, and take the Receipt with all the Ingredients, without any Scruple of Distaste, I am confident the Recovery will be perfect, and the whole Body of *Great Britain* safe and sound. Mr. Speaker, the happy Union of *Scotland* and *England* hath thus long, ever since

(1) From the Original Edition, printed by Francis Constable, 1641.

since, flourished in interchangeable Blessings of Plenty, and mutual Love and Friendship: But of late, by what fatal Disasters and dark Underminings we are divided, and severed into *Scots* and *English* Armies, let their well-composed Preambles speak for me; which I wish were printed as an excellent Emblem of brotherly Love, that discovers who hath wounded us both, and how each should strive to help the other in Distress; seeing their and our Religion and Laws lye both at Stake together. Think of it what you will, Noble Senate, their Subsistence is ours; we live or die, rise or fall together. Let us then find out the *Bouteux* of this Prelatical War, and make them to pay the Shot for their Labour; who, no doubt, long for nothing more than that we should break with them, who worship but one God, and serve but one Master with us: Nor need we fear that they intend to dispossess the *English* of their Inheritance or Freehold, being ready to withdraw their Forces upon reasonable Terms, referring their Demands of Reparation for Losses, to the Justice and Courtesy of this House; which I assure myself will give both a bountiful, chearful, and speedy Supply in this Case of Necessity; for, *bis dat, qui cito dat*, is the best Motto, or Motion at this Time.

Sir Benjamin Rudyard made the following Speech upon the same Occasion:

Mr. Speaker,

‘IT will become us thankfully to acknowledge the prudent and painful Endeavours of my Lords, the Peers Commissioners, in treating with the *Scots*, and in mediating with the King; whereby, God assisting, we are now probably drawing near to a blessed Peace.

‘His Majesty, in his Wisdom and Goodness, is graciously pleased to give his Royal Assent to their Acts of Parliament, wherein the Articles of their Assembly are likewise included; insomuch as their Religion, their Laws, their Liberties, are ratified

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AN. 26. Car. 1. and established, besides their Grievances relieved and redressed, for which we use to give the King Money, and are still ready to do it. This, although it be a large, yet it is not received as a full Satisfaction.

1640.

‘ Besides, when they came into *England*, they published in a Remonstrance, ‘ That they would ‘ take nothing of the *English*, but what they would ‘ pay for, or give Security:’ We have defrayed them hitherto, and have provided to do it longer.

‘ They may well remember, that we assisted them in the Time of their Reformation; and it is not to be forgotten, that we did bear our own Charges.

‘ Concerning mutual Restitution of Ships and Goods, my Lords the Commissioners have very fairly and discreetly accommodated that Particular already.

‘ As for inferential and consequential Damages, such a Representation would but administer unacceptable Matter of Difference and Contestation; which, amongst Friends, ought to be warily and wisely avoided.

‘ We could alledge, and truly too, that *Northumberland*, *Newcastle*, and the *Bishoprick*, will not recover their former State these twenty Years. We have heard it spoken here in this House, by an understanding knowing Member in this Particular, That the Coal-Mines of *Newcastle* will not be set right again for 100,000*l*. besides the Over-Price of Coals, which all the while it hath and will cost this City, and other Parts of the Kingdom. A great deal more of this Nature might be rehearsed; but I delight not to press such tenter-stretched Arguments; Let us, on both Sides, rather thank God, by proceeding in the Way he hath laid before us, and wry not his Way to ours: Time and his Blessing will repair all our implicit Damages, with many prosperous explicit Advantages.

‘ They say, that they do not make any formal Demand, but they do make a Sum to appear, 514,000*l*. which is more than ever we gave the King at once. A portentous Apparition, which shews itself in a very dry Time: When the King’s Revenue

is totally exhausted, his Debts excessively multiplied, the Kingdom generally impoverished by grievous Burthens and disordered Courses! All this Supply is to be drawn out of us only, without the least Help from any of his Majesty's other Dominions; which, to my Seeming, will be an utter Draining of the People, unless *England* be *Puteus inexhaustus*, as the *Popes* were wont to call it.

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Notwithstanding, Sir, now that I have in part opened the State we are in, though nothing so exactly as they have done theirs; I shall most willingly and heartily afford the *Scots* whatsoever is just, equitable, and honourable, even to a convenient, considerable, round Sum of Money, towards their Losses and Expences, that we may go off with a friendly and handsome Loss: If they reject it, we shall improve our Cause.

It was never yet thought, Mr. Speaker, any great Wisdom, over much to trust a successful Sword. A Man that walks upon a rising Ground, the further he goes, the larger is his Prospect; Success enlarges Men's Desires, extends their Ambition, it breeds Thoughts in them they never thought before; this is natural and usual. But the *Scots* being truly touched with Religion, according to their Profession, that only is able to make them keep their Word; for Religion is stronger and wiser than Reason, or even Reasons of State.

Beyond all this, Mr. Speaker, the remarkable Traces of God's wonderful Providence in this strange Work, are so many, so apparent, as I cannot but hope, almost to Belief, that the same all-governing merciful Hand, will conduct and lead us to a happy Conclusion; will contract a closer, firmer Union between the two Nations, than any meer Human Policy could ever have effected, with inestimable Benefits to both; in advancing the Truth of Religion; in exalting the Greatness of the King; in securing the Peace of his Kingdoms, against all malicious, envious, ambitious Opposites to Religion, to the King, to his Kingdoms; wherein, I presume, all our Desires and Prayers do meet.

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Jan. 23. The Commons sent up to desire a Conference with the Lords, which being agreed to, a Report of it was made in the Upper House, by the Lord Privy Seal, to this Effect:

A Conference concerning the King's reprieving John Goodman, a condemned Seminary Priest.

'That Mr. Glynn had acquainted them with the Commons sending to the City of London, to advance Money for his Majesty's Service, and that of the Common-Wealth; Answer was returned, That there was a general Discontent amongst the Citizens, for the Reprieval of one Goodman, a Seminary Priest, lately condemned for High Treason, who had been formerly so for the same Offence, and banished this Kingdom. By which they found that there was a great Connivance at Jesuits and Priests thro' the Kingdom, to the great Disheartening of the People in this Time of Parliament, when they expect a thorough Reformation. The Commons, therefore, desired their Lordships Assistance to discover such Instruments as have dared to intercede for the Interruption of public Justice against such Offenders, &c.' The Lords thought proper to acquaint the King with this Message from the Commons, and appointed the Lord Privy Seal and the Earl Marshal to deliver it.

Alteration in the Judges Patents.

About the Beginning of this Month a Motion having been made, 'That, for the future, this Clause, *Quamdiu se bene gesserint*, might be inserted in the Patents of the Judges, instead of *Durante Beneplacito*;' and a Committee having been appointed to wait on the King with this Request, the Earl Marshal and the Lord Chamberlain reported this Day, That his Majesty condescended to the desired Alteration for the future.

January 25. The King having commanded both Houses to come before him at Whitehall, his Majesty spoke to them as follows:

The King's Speech relating to the Distractions in the Government.

My Lords and Gentlemen,

A Principal Cause of my speaking to you now, is, that I foresee the great Inconveniences that may daily arise, by the slow Pace of this Parliament, in those
Bu-

Busineses that most import the Welfare of this Kingdom: Therefore I hold it necessary, at this Time, to lay, shortly, before you the State of Affairs as they now stand, thereby to quicken, but not to interrupt, your Proceedings.

An. 16. Car. 1.
1640.

And first, I must remember you, that there are two Armies in the very Bosom of this Kingdom; and, in effect, as it cannot be otherwise, maintained by you. The very naming of which doth more lively represent the mischievous Inconveniencies thereof, than a better Tongue than mine, in particular, can declare. Therefore I must, in the first Place, recommend to your Care the quick Dispatch of this Business; assuring you the Delay thereof shall no ways be occasioned by me. In the next Place, I must recommend to your Care my Navy and Forts; the Condition of both are so well known, as to need no Mention in Particulars: Only thus much, when the Walls and Defences of this Kingdom are weak and out of Order, I leave all Men to judge what Disheartening it will give to our Friends, and what Encouragement to our Enemies.

Last of all, though not least of all to be considered, I must lay before you the present Distractions of Government, occasioned, partly, because of the Parliament, tho' not by it. For some Men taking Occasion, by the Sitting thereof, more maliciously than ignorantly, will put no Difference between Reformation and Alteration of Government. Hence it comes that Divine Service is irreverently interrupted, Petitions tumultuously given, and much of my Revenue detained or disputed.

More Particulars I will not mention, because I will hasten to put you in a Way of Remedy; which I will do, first, by shewing you my clear Intentions, then by warning you to eschew those Rocks that may hinder this good Work.

First then, know that I shall readily concur with you to find out and reform all Innovations in Church and Common-Wealth; and, consequently, that all Courts of Justice shall be regulated according to Law; my Intention being to reduce all Matters of Religion and Government, to what they were in the purest Times of

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AN. 26. CAR. 1. of Queen Elizabeth. Moreover, what Parts of my
1640. Revenue that shall be found illegal, or grievous to the Public, I shall willingly lay down, relying entirely on the Affections of my People.

Having thus clearly shewn you mine Intentions, I will now tell you what you are to eschew; to which Purpose I cannot but take Notice of those Petitions (I can't tell how to call them) given in the Name of several Counties, against the present established Government of the Church, and of the great Threats that are given, That Bishops shall be no better than Cyphers, if not clear done away.

Now I must tell you, That I make a great Difference betwixt Reformation and Alteration of Government; though I am for the first, I cannot give Way to the latter. I will not say that Bishops may not have over-stretched their Power, or intrenched upon the Temporal; which, if you find, correct and reform the Abuse, according to the Wisdom of former Times; and so far I am with you. Nay farther; if, upon serious Debate, you shall shew me that Bishops have some temporal Authority, inconvenient to the State, and not so necessary to the Church, for the Support of Episcopacy, I shall not be unwilling to persuade them to lay it down. Yet, by this, you must understand, that I cannot consent for the taking off their Voice in Parliament, which they have antiently enjoyed under so many of my Predecessors, even before the Conquest, and ever since; and which, I conceive, I am bound to maintain, as one of the fundamental Institutions of this Kingdom.

There is but one other Rock, and that not in Substance, but in Form; yet that Form is so essential, that, except it be reformed, it will mar the Substance: There is a Bill given in for frequent Parliaments; the Thing I like, that is to say, to have often Parliaments; but to give Power to Sheriffs and Constables, and I know not whom, to do my Office, that I cannot yield unto. But to shew you that I am desirous to please you in Forms, which destroy not the Substance, I am content you shall have an Act for this Purpose; but so reformed, that it neither intrench upon
my

my Honour, nor that inseparable Right of the Crown An. 16. Car. I.
concerning Parliaments: To which Purpose I have 1640.
commanded my learned Counsel to wait on you, my
Lords, with such Propositions as I hope will give Con-
tentment; for I ingenuously confess, that frequent
Parliaments are the best Means to preserve that right
Understanding between me and my Subjects, which I
so earnestly desire.

To conclude all; I have now shewed you the State
of Affairs, my own clear Intentions, and the Rocks I
wish you to eschew. In all which you may perceive the
Desire I have to give you Contentment; as you shall
likewise find by these Ministers I have, and intend to
employ in my Affairs, for the Pursuance of my good
Intentions; which, I doubt not, will bring Peace and
Happiness to my Subjects, to the Contentment of us all.
I have no more to say at present.

The Commons being withdrawn, the King spoke
a few Words to the Lords, to tell them, ' That
' he heard of a Conference to be that Afternoon,
' about the Business of Goodman the Priest; and
' that, in a Day or two, he would send them the
' Reasons for what he had done in that Matter,
' which he hoped would satisfy them.'

But this not contenting the Commons, they agreed
to address the Lords to join with them in a Petition
to the King; and, on the 29th of this Month, a
Remonstrance of both Houses of Parliament was
presented to the King by the Lord Keeper, to the
following Effect: ' They recite the Laws relating to
' Jesuits and Seminary Priests, and insist upon the
Necessity of their being put in Execution at this
Time; and particularly, because it appears to the
House of Commons, by Proof, that of late Years,
about the City of London, Eighty Priests and
Jesuits have been discharged out of Prison, many
of them having been condemned of High Treason: That they are credibly informed that, at this present,
the Pope hath a Nuncio, or Agent, resident in the
City of London; and they have just Cause to believe
the

A Remonstrance
from both Houses
concerning an Agent
from the
Pope, &c.

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I. the same to be true: That the *Papists* as publickly, and with as much Confidence and Importunity, resort to Mass at *Denmark-House*, *St. James's*, and the Ambassadors Chapels, as others do to their Parish Churches: That they conceive the not putting of these Statutes in Execution against *Priests* and *Jesuits*, is a principal Cause of the Increase of *Popery*.'

'Therefore they humbly desire, that a speedy Course may be taken for the due Execution of the Laws against *Priests* and *Jesuits*, that all Mischiefs, before mentioned, may be timely remedied by his Majesty's great Wisdom: And, lastly, that *Goodman*, the Priest, be left to the Justice of the Law.'

On the 3d of *February* the King sent the following Answer.

My Lords and Gentlemen,

The King's Answer thereto.

HAVING taken into my serious Consideration the late Remonstrance, made unto me by the Houses of Parliament, I give you this Answer,

That I take in good part your Care of the true Religion established in this Kingdom, from which I will never depart; as also for your Tenderness of my Safety, and Security of this State and Government. It is against my Mind that *Popery* or *Superstition* should any way increase within this Kingdom; and I will restrain the same, by causing the Laws to be put in Execution.

I am resolved to provide against *Jesuits* and *Priests*, by setting forth a Proclamation with all speed, commanding them to depart the Kingdom within one Month; which if they fail, or shall return, then they shall be proceeded against according to the Laws.

Concerning *Rosetti*, I give you to understand, That the Queen hath always assured me, that, to her Knowledge, he hath no Commission, but only to entertain a personal Correspondence between her and the Pope, in Things requisite for the Exercise of her Religion; which is warranted to her by the Articles of the Marriage, which gave her a full Liberty of Conscience; yet I have persuaded her, that since the Misunder-

stand.

standing of this Person's Condition gives Offence, she An. 16. Car. I. 1640.
will, within a convenient Time, remove him.

Moreover, I will take a special Care to restrain my Subjects from resorting to Mass at Denmark-House, St. James's, and the Chapels of Ambassadors.

Lastly, concerning John Goodman, the Priest, I will let you know the Reason why I reprieved him. I am informed, neither Queen Elizabeth, nor my Father, did ever avow, that any Priest in their Times was executed merely for Religion; which seems to me to be his particular Case; yet, seeing I am pressed by both Houses, to give Way to his, and because I will avoid the Inconvenience of giving so great Discontent to my People, as I conceive this Mercy may produce, therefore I do remit this particular Case to both the Houses; but I desire them to take into their Consideration the Inconveniences, as I conceive may, upon this Occasion, fall upon my Subjects and other Protestants abroad; especially since it may seem to other States to be a Severity: Which Suspicion having thus represented to you, I think myself discharged from all the ill Consequence that may ensue upon the Execution of this Person.

As the foregoing Remonstrance seem'd principally levell'd at the Queen's Conduct at this Time, she thought proper, the next Day, to send the following Letter to the House of Commons, by Mr. Comptroller.

That her Majesty hath been ready to use her best Endeavours for the removing of all Misunderstanding between the King and People:—That, at the Request of the Lords who petitioned the King for a Parliament, her Majesty, at that Time, writ effectually to the King, and sent a Gentleman, expressly, to persuade the King to the holding of a Parliament:—That she hath, since, been most willing to do all good Offices between the King and his People, which is not unknown to divers of the Lords; and so shall ever continue to do, as judging it the only way of Happiness to the King, herself, and Kingdom, that all Things be justly settled between the King and his People, and all Cause

A Letter from the Queen on the same Occasion.

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An. 16. Car. I. Cause of Misunderstanding taken away and removed:
1640.

—That her Majesty having taken Knowledge, that having one sent to her from the Pope, is distastful to this Kingdom, she is desirous to give Satisfaction to the Parliament; which, in convenient Time, she will do, and remove him out of the Kingdom:—That understanding, likewise, that Exception had been taken to the great Resort to the Chapel of Denmark-House, she will be careful not to exceed that which is convenient and necessary for the Exercise of her Religion.

She further taketh Notice, that the Parliament is not satisfied with the Manner of raising Money, for the Assistance of the King in his Journey to the North, in the Year 1639, at her Entreaty from the Catholics (m): But she was moved thereunto, merely out of her dear and tender Affection to the King, and of the Example of other his Majesty's Subjects; she seeing the like Forwardness, could not but express her own Forwardness to the Assistance of the King:—That if any Thing be illegal, she was ignorant of the Law, and was carried therein only out of a great Desire to be assisting to the King in so pressing an Occasion; but promiseth to be more cautious hereafter, not to do any Thing but what may stand with the established Laws of the Kingdom:—That her Majesty, being desirous to employ her whole Power to unite the King and People, desireth the Parliament to look forwards, and pass by such Mistakes and Errors of her Servants, as may be formerly committed; and this their Respect, she promiseth, shall be repaid with all the good Offices she can do to the House, which they shall find with real Effects, as often as there shall be Occasion.

The Journals inform us, That this Message being read in the House, Mr. Comptroller was desired to return their humble Thanks to her Majesty, for her gracious Expressions therein.

There being, about this Time, a Bill depending, which had been sent down from the Lords, intitled,

An

(m) The Queen had caused Collections to be made from the Catholics in every County for this Purpose. Her Majesty's Letters and the Names of the several Collectors are at large in *Rushworth*, Vol. IV. p. 160, et Seq.

Of ENGLAND. 175

An Act for the Confirmation of several Letters Patent, made by our Sovereign Lord the King, and other Grants made to his Majesty's dearest Consort, the Most High and Excellent Princess Henrietta-Maria, Queen of England, Scotland, France, and Ireland, and otherwise in Trust for her Use; Sir Benjamin Rudyard made the following Speech in favour of it.

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1640.

Mr. Speaker, (n)

GOD hath blessed the Queen's Majesty with a hopeful Progeny already, whereby she hath relieved and fortified this Kingdom. This may put us in mind, in a fit Time, to provide according to their Birth and Interests.

Sir B. Rudyard's
Speech in favour
of a Settlement
on her Majesty.

She is the Daughter of a great and famous King, she is the Wife of our King; which, to us, includes all Expression. But, in one Thing, Mr. Speaker, her Majesty is singular, in that she is the Mother to the greatest Prince that hath been born amongst us above these hundred Years; which cannot but work a Tenderness in us.

The Queen, likewise, may be another Instrument of Happiness to us in her good Affection to Parliaments, by a good Hansel in this. And I believe we shall see Effects of it; for it nearly and wisely concerns her Majesty, even in all the Relations that are most dear to her, to contribute her best Assistance to uphold the Government and Greatness of the Kingdom. By this Means also, the King will be better enabled to make a further Enlargement of his Bounty towards her, in some Degree proportionable.

Wherefore, Mr. Speaker, it will become this House to shew our Chearfulness in passing this Bill.

Before we dismiss the Affair of *John Goodman* the Priest, we shall here insert a remarkable Letter of this Man's to the King, as it is entered in the *Lords Journals*, when the King's Answer to the Re-

(n) From the Edition of the Times, printed for Francis Coe: It is said to have been spoke in January 1640, but the Day is not mention'd. It is not in *Rushworth* or *Nalson*.

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Remonstrance was reported to that House, and which, we suppose, occasioned his Majesty to refer his Punishment to the Will of both Houses, rather than have any Hand in it himself: But we cannot learn whether this Priest was executed or not.

To the KING's Most Excellent Majesty.

*The PETITION of JOHN GOODMAN, condemned,
Humbly sheweth,*

Goodman, the
Priest's, Petiti-
on to be execut-
ed, for Peace-
Sake.

That whereas your Majesty's Petitioner hath understood of a great Discontent, in many of your Majesty's Subjects, at the gracious Mercy your Majesty was freely pleased to shew unto your Petitioner, by suspending the Execution of the Sentence of Death, pronounced against your Petitioner, for being a Roman Priest: These are humbly to beseech your Majesty, rather to remit your Petitioner to their Mercies that are discontented, than to let him live the Subject of so great a Discontent in your People against your Majesty. For it hath pleased God to give me Grace to desire with the Prophet, That if this Storm be raised for me, I may be cast into the Sea, that others may avoid the Tempest.

This is, Most Sacred Sovereign, the Petition of him, that should esteem his Blood well shed, to cement the Breach between your Majesty and your Subjects, on this Occasion.

Ita testor,

JOHN GOODMAN.

By the *Journals* of the Lords, we find that the King came to that House on the 10th of *February*; the Business he now came for was expressed in a short Speech, as follows:

The King's
Speech to the
Lords about the
Marriage of the
Lady Mary with
the Prince of O-
range.

My Lords,

That Freedom and Confidence which I expressed, at the Beginning of this Parliament, to have of your Love and Fidelity towards my Person and Estate, hath made me at this Time come hither to acquaint you with that

that Alliance and Confederacy which I intend to make with the Prince of Orange and the United Provinces; which, before this Time, I did not think expedient to do, because that Part, which I do desire your Advice and Assistance upon, was not ready to be treated on. I will not trouble you with a long Digression, by shewing you the Steps of this Treaty; but leave you to be satisfied in that by those who, under me, do manage that Affair: Only I shall shew you the Reasons which have induced me to it, and in which I expect your Assistance and Counsel.

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The Considerations that have induced me to it are these:

First, The Matter of Religion: Here needs no Dispensation; no Fear that my Daughters Conscience may be any way perverted.

Secondly, I do esteem that a strict Alliance and Confederacy with the States will be as useful to this Kingdom, as that with any of my Neighbours; especially considering their Affinity, Neighbourhood, and way of Strength.

And, Lastly, which I must never forget on these Occasions, the Use I may make of this Alliance towards the re-establishing of my Sister and my Nephews.

Now, to shew in what I desire your Assistance; you must know that the Articles of Marriage are in a Manner concluded, but not to be totally ratified untill that of Alliance be ended and agreed; which, before I demanded your Assistance, I did not think fit to enter upon. And that I may not leave you too much at large how to begin that Council, I present you here the Propositions which are offered by me to the States's Ambassadors for that Intent. And so, my Lords, I shall only desire you to make as much Expedition in your Counsels, as so great a Business shall require, and shall leave your Lordships to your own free Debate.

This Proposition of the King's for such an Alliance, both with the Prince of Orange and the States General, was well approv'd of by the whole Nation; and, soon after, the Marriage was concluded, and kept with great Solemnity.

Which gives a
general Satisfaction.

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1640.

Bill for Triennial
Parliaments.

Many Conferences were held this Month, between the Lords and Commons; about settling the Bill *For preventing Inconveniences which happen by the long Intermission of Parliaments*; on the 15th it was finally concluded, and made ready for the Royal Assent. The Commons, however, seemed to be jealous that the King would not pass it; for, that same Day, they sent a Message to the other House, by Sir *Francis Seymour (p)*, to acquaint their Lordships, That they had deputed some of their Members to attend his Majesty, and desire that the Royal Assent may be given to the Bill of Subsidies that Afternoon: And that their Lordships may be pleased to depute some Lords to move his Majesty, that the Bill for Triennial Parliaments may pass at the same Time; which the Lords agreed to, and received for Answer, 'That his Majesty would take that Afternoon to consider of this Request, in regard of the late Warning of it at this Time, and will return an Answer in the Morning.' Accordingly

Feb. 16. The King came to the House of Lords, and being seated on his Throne, the Lords in their Robes, and the Commons, with their Speaker, attending, the Title of the Bill for Triennial Parliaments was read; on which his Majesty made the following Speech to both Houses:

My Lords, and you the Knights, Citizens, and Burgesses of the House of Commons,

The King's
Speech at giving
the Royal Assent
thereto;

YOU may remember, when both Houses were with me at the Banqueting-House at Whitehall, I did declare unto you two Rocks I wished you to shun. This is one of them, and of that Consequence, that I think never Bill passed here, in this House, of more Favour to the Subjects than this is; and if the other Rock be as happily passed over as this shall be at this Time, I do not know for what you can ask, for ought I can see, at this Time, that I can make any Question to yield unto: Therefore I mention this, to shew unto you the Sense that I have of this Bill; and the Obligation,

(p) Member for Marlborough. Created Baron of Trowbridge on the 19th of February following.

tion, as I may say, that you have to me for it; *hi-* An. 16. Car. I.
therto, to speak freely, I have had no great Encour- 1649.
agement to do it: And if I should look to the outward
Face of your Actions and Proceedings, and not look to
the inward Intentions of your Hearts, I might make
a Question of it.

Hitherto, you have gone on in that which concerns
yourselves to amend; and not those Things that meerly
concern the Strength of this Kingdom, neither for the
State, nor for my own Particular.

This I mention, not to reproach you, but to shew
you the State of Things as they are.

You have taken the Government almost in Pieces,
and, I may say, it is almost off the Hinges.

A skilful Watchmaker, to make clean his Watch,
will take it afunder; and, when it is put together, it
will go the better, so that he leave not out one Pin of it.

Now, as I have done all this on my Part, you
know what to do on yours: And, I hope, you shall see
clearly, that I have performed really what I expressed
to you, at the Beginning of this Parliament, of the
great Trust I have of your Affections to me: And this
is the greatest Expression of Trust, that, before you do
any thing for me, I do put such a Confidence in you.

After this Speech was ended, the Clerk of the
Parliament read the King's Royal Assent to the
aforesaid Bill, in these Words:

Le Roy le veult.

Next, the Speaker of the House of Commons, in
a short Speech, presented a Bill, intituled, *An Act
for Relief of his Majesty's Army, and the Northern
Parts of this Kingdom*, containing a Grant of Four
entire Subsidies, humbly beseeching his Majesty to
accept thereof. The Clerk then read the Royal As-
sent to the said Bill, in these Words:

Le Roy remercient les bons Sujets, accepte leur And to a Bill of
Benevolence, et ainsi le veult. four Subsidies.

The Commons being returned to their House, a
Message was brought from the Lords by the Lord

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An. 16. Car. 1. Chief Justice of the *Common Pleas* (a), and Mr. Justice *Heath*, 'That their Lordships are so full of Joy, for his Majesty's gracious Answer to the Bill of the Triennial Parliaments, that they do intend to wait upon his Majesty, to know when he will please to give them Leave to express their most humble Thanks: And they desire that this House would join with them in it: And that their Lordships will likewise intimate unto his Majesty, that there may be ringing of Bells, and Bonfires throughout the whole City.'

Answer was returned by the same Messengers, 'That this House hath taken into Consideration their Lordships Message, and do receive it with much Joy; and were in Agitation of the same Business, just as the Message was sent; and will be ready to join with their Lordships, as is desired, at such Time and Place as shall be appointed.'

Soon after another Message was brought by the same Judges, That the Lords, that attended his Majesty, are returned with this Answer to the Lords House: 'That his Majesty is pleased that both Houses shall attend him this Afternoon, between Two and Three o'Clock, at the *Banqueting-House* at *Whitehall*.' They conceive that which is to be spoken is to be said by the Lord Keeper, in the Name of both Houses; and, for that Purpose, have conceived a Form, but leave it to this House to make such Alteration as they shall think fit.

The Lord Chief Justice having read the same, the Commons agreed to the Form proposed: And, accordingly, both Houses attended the King in the *Banqueting-House*; when the Lord Keeper, *Littleton*, in their Names, returned Thanks to his Majesty *in hæc Verba*:

May it please your Majesty,

Both Houses
thank the King
for passing the
Triennial Bill.

' I Am to give your Majesty most humble and hearty Thanks, in the Name of both Houses of Parliament and this whole Kingdom, for the speedy and gracious Royal Assent unto the Bill
' en-

(a) Sir John Banks.

‘ entitled, *An Act for preventing of Inconveniences* An. 16. Car. 1.
 ‘ *happening by the long Intermission of Parliaments*; 1640.
 ‘ which, as it is of a singular Comfort and Security
 ‘ for all your Subjects for the present, so they are
 ‘ confident, it will be of infinite Honour and Set-
 ‘ tlement for your Majesty’s Royal Crown and
 ‘ Dignity, as well as Comfort to their Posterity.’

As we have made it a Rule, in the Course of
 this Work, to take notice of the most remarkable
 Laws pass’d in every Parliament, we shall give a
 View of this most extraordinary Act; especially as it
 was repealed in the 16th Year of this King’s eldest
 Son and Successor; and is therefore not to be found
 in the *Statutes at large* (b). The Preamble runs
 thus: ‘ Whereas, by the Laws and Statutes of this An Abstract
 ‘ Realm, a Parliament ought to be holden at least thereof.
 ‘ once every Year, for the Redress of Grievances;
 ‘ but the Appointment of the Time and Place for
 ‘ the holding thereof hath always belonged, as it
 ‘ ought, to his Majesty and his Royal Progenitors:
 ‘ And whereas it is, by Experience, found, that the
 ‘ not holding of Parliaments accordingly, hath pro-
 ‘ duced sundry and great Mischiefs and Inconveni-
 ‘ ences to the King’s Majesty, the Church and
 ‘ Common-Wealth; for the Prevention of like
 ‘ Mischiefs and Inconveniencies in Time to come,
 ‘ be it enacted, That the said Laws and Statutes shall
 ‘ be henceforth duly observed:—That if a Parlia-
 ‘ ment be not summoned and assembled before the
 ‘ 3d of *September* in every third Year, then a Par-
 ‘ liament shall assemble and be held on the second
 ‘ *Monday* in *November* ensuing.—That if the Lord
 ‘ Chancellor shall fail to issue out Writs, pursuant
 ‘ to the Directions of this Act, then the Peers of
 ‘ the Realm shall meet at the usual Place, at the old
 ‘ Palace of *Westminster*, and they, or any twelve, or
 ‘ more, shall issue out Writs in the King’s Name.—
 ‘ That in case of Default by the Peers, the Sheriffs,
 M 3 ‘ Mayors,

(b) It is printed at large in *Rushworth’s Collections*, Vol. IV.
 p. 189; and in *Scobell’s Collection of Acts and Ordinances*. An. 16.
 Car. 1. Cap. 1.

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An. 16. Car. 1.
1640.

‘ Mayors, Bailiffs, &c. shall cause Elections to be made.—And, in their Default, the Freeholders, Citizens, and Burgesſes ſhall proceed to the Election of Knights, Citizens and Burgesſes, in ſuch Manner as if Writs of Summons had been duly iſſued.—That no Parliament, henceforth to be aſſembled, ſhall be diſſolved or prorogued within fifty Days after the Time appointed for their meeting, nor adjourn’d within fifty Days after their meeting, but by Conſent of either Houſe reſpectively, who may appoint each their own Speaker.’—Beſides the above Clauſes, there were many Proviſo’s for the effectual putting this Act in Execution, and Penalties on the reſpective Offenders: And, that none might plead Ignorance, it was ordered to be read, yearly, at the Sessions and Aſſizes (c).

We meet with a Speech of Sir *Simonds Dewes*, occaſioned by the afore-mentioned Bill for *Four Subſidies*; but the Day is not mentioned. The *Editor* thereof gives us the following Account of it (d).

Debate concern-
ing the Prece-
dency of the two
Universities.

‘ This Bill, for Relief of the King’s Army, having been drawn by a Committee, *Cambridge* was placed before *Oxford*; whereupon it was ordered to be diſputed and debated in a Grand Committee; and when it came to that Clauſe, where *Cambridge* was placed before *Oxford*, many of the Houſe that had been *Oxford-Men*, cried to have *Oxford* placed firſt; but the *Cambridge-Men* cried, that the Bill ſhould ſtand as it was; and thereupon the *Oxford-Men* called to have it put to the Queſtion; and divers *Cambridge-Men* called upon Sir *Simonds Dewes*

(c) The Preamble for repealing this Act runs thus: ‘Whereas an Act made in the Parliament begun at *Weſtmiſter* the 3d Day of *November*, in the 13th Year of the Reign of our late Sovereign Lord King *Charles* of bleſſed Memory, entitled, *An Act for preventing of Inconveniencies happening by the long Intermiſſion of Parliaments*, is in Derogation of his Maſteſty’s juſt Rights and Prerogative inherent to the Imperial Crown of this Realm, for the calling and aſſembling of Parliaments; and may be an Occaſion of manifold Miſchiefs and Inconveniencies, and much endanger the Peace and Safety of his Maſteſty, and all his liege People of this Realm: Be it therefore enacted, &c.’

(d) Printed for *John Thomas*, London, 1641.

Dewes, being then present at the Committee, which An. 16. Car. I. drew him to speak as followeth: 1640.

‘ I Stand up to persuade, if it may be, the declining of the present Question, and the further Dispute of this Business. We had a long Debate, lately, about the placing *Cambridge* before *Oxford*, in the said Bill. I account it no Honour to *Cambridge*, that it got the Precedence by Voices at the former Committee; nor will it be any Glory to *Oxford* to gain it by Voices here, where we all know the Multitude of Borough Towns of the Western Parts of *England*, which do send so many worthy Members hither, as (if we measured Things by Number, and not by Weight) *Cambridge* is sure to lose it. I would propound a more noble Way for deciding the present Controversy than by Question; in which, if the University of *Oxford*, which I do highly respect and honour, shall obtain the Prize, it will be far more Glory to it, than to carry it by Multitude of Voices: Let us therefore dispute it by Reason, and not make an Idol of either Place; and if I shall be so convinced, I shall readily change my Voice, wishing we may find the same Ingenuity in the *Oxford*-Men.

Sir Symonds
Dewes's Speech
in favour of
Cambridge.

‘ There are two principal Respects, in which these famous Universities may claim Precedence of each other.

1. ‘ In respect of their Being; as they were Places of Note in the elder Ages.

2. ‘ As they were antient Nurseries, and Seed-Plots of Learning.

‘ If I do not therefore prove that *Cambridge* was a renown'd City, at least 500 Years before there was a House in *Oxford* standing, and whilst Brute Beasts fed, and Corn was sown on that Place where that City is now seated: And that *Cambridge* was a Nursery of Learning before *Oxford* was known to have a Grammar-School in it, I will yield up the Bucklers.

‘ If I should spend Time to reckon up the vain Allegations produced for the Antiquity of *Oxford*,
by

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An. 16. Car. I. by *Twyne*; and of *Cambridge*, by *Caius*, I should
 1640. but repeat the Dreams of the Antients; for I account the most they have published in Print to be no better. But I find, by Authority without Exception, that in the antient Catalogue of the *British Cities*, *Cambridge* is the ninth in Number, where *London* itself is but the eleventh: And who would have thought that *Oxford* would have contended for Precedency with *Cambridge*, which *London* gave it 1200 Years since? This I find in *Gildas Albanus's British Story*, who died about the Year 520, being the antientest domestic Monument we have, p. 60. And a *Saxon* anonymous Story, written in *Latin*, touching the *Britons* and *Saxons*, p. 39. who saith of himself, That he liv'd in the Days of *Penda*, King of the *Mercians*, in the 10th Year of his Reign, and that he knew him well; which falls out to be near upon the Year 620. And, lastly, I find the same Catalogue of the said *British Cities*, with some little Variation, to be set down in *Nennius's Latin Story of Britain*, p. 38: And he wrote the same, as he says himself, in 883. They all call it *Cair-grant*: The Word *Cair*, in the old *Celtique* Tongue, signifying *City*.

These three Stories are exotic and rare Monuments, remaining yet only in antient Manuscripts amongst us, not known to many; but the Authority of them is irrefragable, and without Exception, The best and most antient Copies, that I have seen, of *Gildas Albanus* and *Nennius* remain in the University-Library of *Cambridge*, being those I have vouched, and the *Saxon Anonymous* in a Library we have near us.

This *Cair-grant* is not only expounded by *Alfred* of *Beverly*, to signify *Cambridge*, but also by *William de Ramsay*, Abbot of *Croyland*; who, in his Manuscript Story of the Life of *Guthlacus*, (ignorantly, in those elder Days, reputed a Saint) goes yet further, and says it was so call'd a *Granta Flumine*. This Place still remained a City of Fame and Repute, a long Time, under the Reign of the *English Saxons*, and is called, in many of the old *Saxon* Manuscript Annals, *Granteceaster*; and, notwithstanding the great Devastations it suffered with
 other

other Places, by the *Danish* Incurfions, yet, in the first Volume of the Book of *Doomesday*, (for now I come to cite the Records) it appears to have been a Place of confiderable Moment, having in it *decem Custodias*, and a Castle of great Strength and Extent. And fo I have done with *Cambridge* as a renown'd Place.

An. 16. Car. I.
1640.

‘ And now I come to fpeak of it as it hath been a Nurfery of Learning: But I will not begin higher with it than the Time of the learned *Saxon* Monarch, King *Alfred*; becaufe, I fuppofe, no Man will queftion or gainfay but that there are fufficient Teftimonies of certain Perfons that did, together, in *Cambridge*, ftudy the Arts and Sciences much about that Time: And it grew fo famous for Learning about the Time of *William I.* the *Norman*, that he fent his younger Son *Henry* thither, to be there inftructed; who was afterwards King of *England*, by the Name of *Henry I.* and was furnamed *Beauclerke*, in refpect of his great and uncommon Knowledge. If I fhould undertake to alledge and vouch the Records, and other Monuments of good Authority, which affert and prove its Increafe and flourishing Eftate in the fucceeding Ages, I fhould fpend more Time than our weighty Occafions at this Time will permit. It fhall therefore fuffice to add, that the moft antient and firft endowed College of *England*, was that called *Valence* in *Cambridge*; which, long after the Foundation thereof, as appears by one of our Parliament-Rolls, (*Rot. Parl. Anno 38. Hen. VI. Num. 31.*) remaining upon Record in the *Tower of London*, received the Name of *Pembroke-Hall*.

‘ It appearing therefore fo evidently, by all that I have faid, that *Cambridge* is, in all Refpects, the elder Sifter, which I fpeak not to derogate from *Oxford*; my humble Advice therefore is, That we lay afide the prefent Queftion, as well to avoid Divifion amongst ourfelves, as to entomb all further Emulation between the two Sifters, and that we fuffer the prefent Bill to pafs as it is now penned; and the rather, becaufe *Oxford* had the Precedence in the laft Bill of this Nature that paffed this Houfe.’

This

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1640:

This Debate not being taken Notice of in the *Journals*; and the Title only, but not the Act itself, being printed in *Scobell's Collections* and the *Statutes at large*; it does not appear which of the Universities had the Precedence in this Bill.

Form of introducing the Lord Keeper as a Baron.

Feb. 19. This Day the Lord Keeper, *Littleton*, being created by his Majesty Baron of *Mounslow*, was introduced as a Peer of the Realm into the House of Lords; which, in regard of the Difference of the Ceremony from the rest of the Peers, we give from the *Lords Journals*. — His Lordship was brought into the House between the Lord *Willoughby de Eresby*, and the Lord *Grey de Werk*, being all in their Robes, and the Lord Keeper carrying the Great Seal in his Arms; the Gentleman Usher, with his Black Rod; Garter Principal King of Arms; the Lord Great Chamberlain, with his White Staff, and the Earl Marshal going before him, came to the Woolfack; where Garter delivered him his Patent of Creation and Writ of Summons: And then his Lordship, with low Obeisance, kneeled down, and laid them upon the Chair of State, and afterwards they were delivered to the Clerk of Parliament, who carried them to his Table, and read the Writ of Summons; which being done, he was brought and placed upon the Barons Form, according to his Creation, and afterwards to his Place, upon the Earls Bench, appointed by the Statute.

The Latter End of this Month was chiefly employed by the *Commons*, in debating the grand Affair of *Episcopacy*. — But we shall defer the Speeches, *pro* and *con*, upon this Subject, till we come to take Notice of the Proceedings of the House of *Lords* thereon, that the whole Argument, in both Houses, may appear at one View.

Feb. 24. The King came to the House of Peers unexpectedly, for which Reason neither he nor the Lords were robed, as is usual on a Royal Visit. The King's Business now was to hear the Charge against

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against the Earl of *Strafford*; and the Earl being An. 16. Car. 1.
called to the Bar, the Articles against him were read 1640.
distinctly by the Clerk of Parliament; with his
Answers to each by his Lordship's Counsel. After
which his Majesty withdrew, without saying or do-
ing any thing more at that Time.

When the King was gone, the Lords ordered
the Lord Keeper to resume the House; and com-
manded the Earl of *Strafford* to be again brought to
the Bar, (taking all that was done in the King's Proceedings re-
Prefence to be no Act of the House) and appointed lating to the Earl
the Lord Keeper to demand his Answer of him. of *Strafford*.
A Question arising, Whether the Bishops should be
present at the reading of the Earl's Answer, being
in Agitatione Causæ Sanguinis? Their Lordships
chose to withdraw on that Occasion.

The Earl's Answer being tendred by him, and
read by his Counsel, he then asked Leave to speak;
which being allowed, he said, 'That he desired
Time to examine Witnesses in his own Defence,
and to have the Names of those who had been ex-
amined against him: To have Power to cross-ex-
amine or except against such Witnesses as he should
desire: That the Deposition of his own Witnesses
might be taken in Writing: And that he might have
a Warrant from the House to produce his Witnesses.'

It was ordered, 'That no Answer should be
given unto the Earl of *Strafford*, untill the House
of Commons was made acquainted with his Re-
quest;' and a Conference was desired accordingly.
It was afterwards granted.

We meet with the following Speech of Sir *John*
Wray's, on the 26th of this Month, in relation to the
Archbishop of *Canterbury* and the Earl of *Strafford*.

Mr. Speaker,

'I Take it we have now sat in this great Coun- Sir John Wray's
cil fifteen or sixteen Weeks, a longer Time Speech in refe-
than any Parliament hath done these many Years: rence thereto.
God

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An. 16. Car. 1. 1640. God hath given us a fair and blessed Opportunity, if we lay hold of it; and call to mind the best Motto for a Parliament, which is, *Non quam diu, sed quam bene.*

‘ Mr. Speaker, we have had thus long under our Feathers many Ostriches Eggs; which, as some observe, are longest in hatching, but once hatched, can digest Iron; and we have many Irons in the Fire, and have hammered some upon the Anvil of Justice into Nails; but we have not struck one Stroak with the right Hammer, nor riveted one Nail to the Head.

‘ Mr. Speaker, God forbid we should be cruel or vindictive to any; but let us take heed we be not so to ourselves and them that sent us, if we do not mend our Pace, and so run as we may obtain.

‘ Mr. Speaker, I hope we shall make good the Work we have undertaken, and win that Prize and Goal we aim at; else, if we fail in this our Pursuit of Justice, it is Time to look about us: For then I fear we ourselves shall hardly escape Scot-free. It will not be our six Subsidies that will help us, unless we be good Husbands, and cut off all superfluous Charges, disband all needless Armies, disarm all *Papists*, and banish all *Priests* and *Jesuits*; and then we shall thrive and prosper.

‘ Provided always, that we deny ourselves, and trust not too much in the Arm of Flesh; but be careful to preserve brotherly Love and Concord, lest Discord and Faction break, divide and ruin us: But I hope God will make us all of one Mind and one public Spirit, that, as we are descended from that antient and noble *English* Quiver, we may prove ourselves a right Sheaf of *English* Arrows, well united, well feathered, and sharply piled for public Use, stoutly to defend and preserve the Public Good and Safety of this famous Island of *Great Britain*; and that is my humble Prayer and Motion.’

The same Day the Commons exhibited, at a Conference of both Houses, their Charge against Dr. *William Laud*, Archbishop of *Canterbury*: But the

the Articles themselves, and Mr. Pymme's Speech on the Delivery of them, being both printed in the Trial at large, in the single *Folio* Edition, and in the *State Trials*, are unnecessary here; especially when the Bulk of it is by far too copious for this Design. For the very same Reason we shall omit the Trial of the Earl of *Strafford*; which, in one of the Ways already mentioned, is almost in every Library.

An. 16. Car. I.
1640.

The Month of *March*, 1640, affords very little Matter in the *Lords Journals*, to our Purpose, except what relates to the Proceedings against the Earl and the Archbishop already mentioned, and two Speeches of the Lord *Andover* (e) in the Upper House; the one concerning the *Star-Chamber*, on the 5th, and another, the next Day, concerning the *Pacification* with the *Scots*. These are the first Speeches from a Peer, in any Debate, we have yet met with. That concerning the *Star-Chamber* was as follows:

My Lords,

‘ Since your Lordships have already looked so far into the Privileges of the Peers, as to make a strict Inquisition into Foreign Honours (f): Let us not destroy that among ourselves, which we desire to preserve from Strangers.

Lord Andover's
Speech for abolishing the Court
of Star-Chamber.

‘ And if this Grievance I shall move against, have slept till now, it is very considerable, lest Custom make it every Day more apparent than others. Your Lordships very well know, there was a Statute framed *Anno* 3. *Henry VII.* authorizing the Chancellor, Treasurer, and Privy-Seal, and the two Chief Justices, calling to them one Bishop, and a Temporal Lord of the King's Council, to receive Complaints upon Bill or Information, and cite such Parties to appear as stand accused of any

Mis-

(e) Eldest Son of the Earl of *Berkshire*. He was chosen for the City of *Oxford*; in this Parliament; but called up to the House of Lords, by Writ, the 18th of *November*, 1640. *Journ. Proc.*

(f) See the Petition against the advancing *English* Gentlemen to be Peers of *Scotland* and *Ireland*, in Vol. VIII. p. 248.

An. 16. Car. I. Misdemeanor; and this was the Infancy of the
1640. *Star-Chamber* (g): But afterwards the *Star-Cham-*

ber was, by Cardinal *Woolsey*, in *Henry* the Eighth's Time, raised to Man's Estate; from whence, being now altogether unlimited, it is grown a Monster; and will hourly produce worse Effects, unless it be reduced by that Hand which laid the Foundation; for the Statutes, that are ratified by Parliament, admit of no other Way of Repeal.

' Therefore I offer humbly unto your Lordships these ensuing Reasons, why this Statute of *Henry* the Seventh should be repealed.

' *First*, The very Words of the Statute clearly shew that it was a needless Institution; for it says, ' They who are to judge, can proceed with no Delinquent otherwise than if he were convicted of the same Crime by due Process of Law.'

' And do your Lordships hold this a rational Court that sends us to the Law, and calls us back from it again?

' *Secondly*, Divers Judicatories confound one another, & in *peffima Republica plurimæ sunt Leges*. And this Reason is from Circumstance, or rather a *Consuetudine*; of which there are many Examples both domestic and foreign; but more particularly the Parliaments of *France*, abbreviated into a standing Committee, by *Philip the Long*; and continued, according to his Institution, untill *Lewis* the Eleventh came to the Crown, who, being a subtil Prince, buried the Volume in the Epitome; for, to this Day, whenever the Three Estates are called, either at the Death of the old King, or to crown the new, it is a common Proverb, *Allons voir feu les Etats*: My Lords, Arbitrary Judgments destroy the Common Laws; and, in them, the two great Charters of the Kingdom; which, being once lost, we have nothing left of Liberty but the Name.

' Then the *last* Reason is, though it was the first Cause of my standing up, The great Eclipse it hath ever been to the whole Nobility: For who
are

(b) *Ann. 21. Hen. VIII. Cap. 20. See Vol. II. p. 420.*

are so frequently vex'd there as Peers and Noblemen: And notwithstanding their Appeal to this Assembly is ever good, whilst that famous Law of 4. *Edward III.* remains in force, for the holding of a Parliament once a Year, or more, if Occasion require; yet who durst, a Year ago, mention such a Statute, without the incurring the Danger of a Prosecution? Therefore I shall humbly move your Lordships, That a select Committee of a few may be named, to consider of the Act of Parliament itself; and, if they shall think it of as great Prejudice as I do, that then the House of Commons, in the most usual Manner, may be made acquainted with it either by Bill or Conference, who also haply think it a Burthen to the Subject; and so when the whole Body of Parliament shall join in one Supplication, I am confident his Majesty will desire that nothing shall remain in Force which his People do not willingly obey.

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1640.

On the 6th Lord *Andover* made the following Speech concerning the *Pacification* with the *Scots*.

My Lords (c),

I Did lately move your Lordships, that the Breach of the *Pacification* might be speedily reviewed, as the *unum necessarium*; and truly my Opinion, at that Time, is yet nothing alter'd; although, upon better Thoughts, (methinks) it should first be known who did actually engage us in these fruitless Dissentions, and so derive the Mischief from some Original: For, my Lords, the Kingdom cannot now long stand at Gaze, or undergo new Burthens.

Another about
the *Pacification*
with the *Scots*.

Wherefore what is to be done (if you intend it should prosper) must presently receive Life from the whole People, or otherwise we shall expire in a Dream; and when the Success differs from Expectation, it is not enough to cry out, *Quod non putabam*. My Lords, the Wise Man says, *There is a proper Season for all Things under the Sun*; and

we

(c) From the original Edition, printed by G. Mabb, 1641, which is more correct than the Copy in *Rushworth* and *Nelson*.

An. 16. Car. 1.
1646.

I. we often find the Experiment in natural Bodies, which are voluntarily weaken'd, to recover Strength, yet with a Restriction to such Bounds, and Limits, as the Physician prescribes himself; and truly, I think it is your Lordships Case at this Point, either to consider what should further be done than is already, or else how to get out of those Labyrinths we now are in, lest the Words of the Psalmist come home to ourselves, *Vendidisti Populum sine pretio.*

My Lords, I am confident the House of Commons doth thoroughly see both into the Prejudice and vast Expence, that these two Armies lay upon the Land; and, undoubtedly, so many Gentlemen of Worth, as sit there, will have tender Eyes upon the Common-Wealth. It will therefore become your Lordships to second them in your Way, and whilst they apply to public Wounds, the Care of this House may search the Intestines; for if they be not cleansed, it will be but a superficial Cure, and break out again.

My Lords, it seems the Earl of *Strafford* and the Archbishop of *Canterbury* have gone the high Ways of Iniquity, and every one knows how to trace them; but Mines under Ground are most considerable, which, unless they be likewise found out, may at any Time spring, and supplant the whole Fabrick of all our Labours. Let us then examine this fantastick War *ab Initio*; lest, as the Duke of *Burgundy* made a few Sheep-Skins the Cause of his Quarrel; so we shall find those Sheets of Paper, sent under the Name of a *Liturgy*, and Book of *Canons*, were but the *Mopsa's* of the Story, to divert our Eyes from the main Design.

Therefore my humble Motion shall be for a select Committee of no great Number, who may have Power from the House to begin *ab Origine Mali*; revise every Man's Negotiations, who was either an Actor or Counsellor since the first Appearance of these Troubles in *Scotland*; and that they may examine the *Scots* Counsel upon such Articles,

as the heavy Pressure of this Kingdom shall, upon An. 16. Car. I.
common Fame, administer unto them. 1640.

March 6. The Earl of *Holland*, this Day, signified to the House of Lords, ' That the King had commanded him to let them know, That his Majesty understanding that the *Forest Laws* are grievous to the Subjects of this Kingdom, his Majesty, out of his Grace and Goodness to his People, is willing to lay down all the new Bounds of his Forests in this Kingdom, and that they shall be reduced to the same Condition as they were before the late Justice-Seats were held.' The King's Offer to reduce the Forest Laws to their former Bounds.

On the 15th Mr. *Rouse* carried up, from the House of Commons, an Impeachment against Dr. *Cosins*, Prebendary and Treasurer of the Church of *Durham*; which he introduced in the following Manner:

My Lords,

' I Am commanded by the House of Commons, to present to your Lordships a Declaration and Impeachment against Dr. *Cosins*, and others, upon the Complaint of Mr. *Peter Smart*; which Mr. *Smart* was a Proto-Martyr, or first Confessor of Note, in the late Days of Persecution. The whole Matter is a Tree, whereof the Branches and Fruit are manifest in the Articles of this Declaration; which being read, I shall, with your Lordships Favour, discover and lay open the Root.' Articles of Impeachment against Dr. Cosins.

The Articles were read thus:

I. *That he was the first Man that caused the Communion-Table in the Church of Durham to be removed, and set Altar wise; in the erecting and beautifying whereof, he (being then Treasurer) expended 200l*

II. *That he used to officiate at the West-Side thereof, turning his Back to the People.*

III. *That he used extraordinary Bowings to it.*

IV. *That he compelled others to do it, using Violence to the Persons of them that refused so to do: For*

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1640.

Instance, once some omitting it, he comes out of his Seat, down to the Seat where they sat, being Gentlemen, called them Whores and Jades, and Pagans, and the like unseemly Words, and rent some of their Cloaths.

V. That he converted divers Prayers, in the Book of Common-Prayer, into Hymns, to be sung in the Choir, and played with the Organ, contrary to the antient Custom of that Church.

VI. That whereas it had been formerly a Custom in that Church, at the End of every Sermon to sing a Psalm, this Custom, when Dr. Cofins came thither, was abrogated; and, instead thereof, they sung an Anthem in the Choir; there being no Psalm sung either at the Minister's going up into the Pulpit, or at his coming down.

VII. That the first Candlemas-Day, at Night, that he had been in that Church, he caused three hundred Wax-Candles to be set up and lighted in the Church at once, in Honour of our Lady, and placed threescore of them on and about the Altar.

VIII. That, in this Church, there were Reliques of divers Images, above which were remaining the Ruins of two Seraphims, with the Picture of Christ between them (d), erected in Queen Mary's Reign, in the Time of Popery: All which, when Queen Elizabeth came to the Crown, were demolished by virtue of a Commission by her to that Intent granted; which so continued demolished from that Time, 'till Dr. Cofins came to that Church; who, being Treasurer, caused the same to be repaired, and most gloriously painted.

IX. That, all the Time that he was unmarried, he wore a Cope of white Satin, never officiating in any other, it being reserved solely for him, no Man except himself making Use thereof; which, after Marriage, he cast off, and never after wore.

X. That there was a Knife belonging to the Church, kept altogether in the Vestry, being put to none but holy Uses, as cutting the Bread in the Sacrament, and
the

(d) Dr. Cofins had caused our Saviour to be painted with a golden Beard, and a blue Cap on his Head; the which a Scotsman seeing, he said, 'He never knew that Christ was his Countryman before.'

Diurnal Occurrences, p. 46.

the like; Dr. Cofins refusing to cut the same with any other but that, thinking all others that were unconsecrated, polluted; but that which he put Holiness into, ever was termed the consecrated Knife.

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XI. That, in a Sermon preached in that Church, he did deliver certain Words in Disgrace of the Reformers of our Church: For Instance, the Words were these: The Reformers of the Church, when they abolished the Mass, took away all good Order; and, instead of Reformation, made it a Deformation.

XII. That he seldom or never, in any of his Sermons, stiled the Ministers of the Word and Sacraments, by any other Name than Priests; nor the Communion-Table by any other Name than Altar.

XIII. That, by his Appointment, there was a Cope bought, the Seller being a convicted Jesuit, and afterwards employed in that Church, having upon it the Picture of the invisible and incomprehensible Trinity.

XIV. That whereas it had been formerly a Custom in that Church, at Five of the Clock, to have Morning-Prayers read, Winter and Summer; this Custom, when Dr. Cofins came thither, was abandoned, and, instead thereof was used Singing, and playing on the Organs, and some few Prayers read; and this was called the first Service: Which being ended, the People departed out of the Church, returning at Nine, having then Morning-Prayers read unto them; and this was called the second Service. Which Innovation, being misliked and complained of by Mr. Justice Hutton, was reformed.

XV. That he framed a superstitious Ceremony, in lighting the Tapers which were placed on the Altar, which, for Instance, was this: A Company of Boys, that belonged to the Church, came in at the Choir-Door with Torches in their Hands, lighted, bowing towards the Altar at their first Entrance, bowing thrice before they lighted their Tapers; having done, they withdrew themselves, bowing so oft as before; not once turning their Back-Parts towards the Altar, the Organs all the Time going.

XVI. That he counselled some young Students of the University, to be Imitators and Practisers of his

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An. 16. Car. I. 1640. *superstitious Ceremonies; who, to ingratiate themselves in his Favour, did accordingly; and being afterwards reproved for the same, by some of their Friends, confessed that Dr. Cofins first induced them to that Practice, and encouraged them therein.*

XVII. *That he used, upon Communion-Days, to make the Sign of the Cross with his Finger, both upon the Seats whereon they were to sit, and the Cushions to kneel upon. using some Words when he so did.*

XVIII. *That one Sabbath-Day there was set up an unnecessary Company of Tapers and Lights in the Church; which, Dr. Hunt, being then Dean, fearing they might give Offence, being they were unnecessary, sent his Man to pull them down, who did so: But Dr. Cofins, being thereat aggrieved, came to the Fellow, and there miscalled him in a most uncivil Manner; and began to beat him in the public View of the Congregation, to the great Disturbance of the same.*

XIX. *That the Dean and Chapter of that Church, where Dr. Cofins was one, with many others, being invited to Dinner in the City of Durham, Dr. Cofins, then and there, spake Words derogating from the King's Prerogative. The Words were these, The King had no more Power over the Church, than the Boy that rubs my Horse's Heels.*

XX. *That there being many Canons of the said Church present at that Time, amongst the rest there was one took more Notice of his Words than the rest, and acquainted one of his Fellow Canons with them when he came home. This Canon being a Friend to Dr. Cofins, told the Doctor that such a Man exclaimed against him, and charged him with Words which he should speak at such a Time. The Doctor presently sends for him; and when he came into the House, the Doctor desires him to follow him into an inner Room, who did so; but, as soon as he came in, the Doctor shuts the Door, and sets both his Hands upon him, calling him Rogue and Rascal, and many other Names; insomuch that the Man, fearing he would do him Mischief, cried out. Mrs. Cofins coming in, endeavoured to appease her Husband, and, holding his Hands, the other ran away.*

XXI.

XXI. That the Doctor did seek many unjust Ways An. 16. Car. 1. 1640. to ensnare this Man, that so he might take a fit Occasion to put him out of his Place; but none of them taking Effect, he put him out by Violence, having no other Reason why he did so, but because he had no good Voice, when he had served the Place two Years before Dr. Cofins came thither: For Instance of which unjust Ways to ensnare this Man, Dr. Cofins hired a Man and a Woman to pretend a Desire of Matrimony, and to offer a Sum of Money to this Petty Canon to contract Matrimony between them in a private Chamber; so thereupon to take Advantage of his Revenge upon him.

These Articles being read, Mr. Rouse proceeded thus:

My Lords,

I Am now to discover the Root of Mr. Smart's Mr Rouse's Speech in Support thereof. Persecution. Your Lordships have heard of a great Design to bring in *Popery*: You have heard of Armies of Soldiers, and particularly of the *Popish Irish Army*; the Burthen and Complaint of the Commons: But there is another Army not so much spoken of, and that is, an Army of *Priests*: For since Altars came in, so they delight to be called, it is a Saying of *Gregory the Great*, That when Antichrist comes, *Præparatus est Exercitus Sacerdotum*, there is an Army of *Priests* to receive him. This is fulfilled in our Time; for certainly this Army of *Priests* doth many Ways advance the Design and Plot of *Popery*. The first is by the Subversion of our Laws and Government. Our Laws and *Popery* cannot stand together; but either *Popery* must overthrow our Laws, or our Laws must overthrow *Popery*. But to overthrow our Laws, they must overthrow Parliaments; and to overthrow Parliaments, they must overthrow Property: They must bring the Subjects Goods to be arbitrarily disposed, that so there may be no Need of Parliaments. This hath been done by Dr. *Maynwaring*, (whom we find wanting, yet not in the Seats, but at the Bar

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An. 16. Car. I. of the Lords House) and the like by Dr. Beale :
1640.

And I think it was the Intention of the late Canons.
‘ A *second* Way, by which this Army of *Priests* advanceth the *Popish* Design, is the Way of Treaty. This hath been acted both by Writings and Conference. *Sancta Clara* himself saith, *Doctissimi eorum quibuscum egi*; so it seems they had Conferences together: And *Sancta Clara*, on his Part, labours to bring the Articles of our Church to *Popery*; and some of our Side strive to meet them in that Way. We have a Testimony, that the great Arch-Priest himself hath said, *It were no hard Matter to make a Reconciliation; if a wise Man had the Handling of it.* But I verily believe that, as the State of *Papacy* stands, a far wiser Man than he cannot reconcile us without the Loss of our Religion: For the *Pope* being fastened to his Errors, even by his Chair of Inerrability, he sits still unmoved; and so we cannot meet, except we come wholly to him. A Man standing in a Boat tied to a Rock, when he draws the Rope, doth not draw the Rock to the Boat, but the Boat to the Rock. And *Sancta Clara* doth (in this somewhat honestly) confess it; for he saith, That he dealt in this Way of Treaty, not to draw the Church to the *Protestants*, but the *Protestants* to the Church.

‘ A *third* Way is a Way of Violence: This Violence they exercise partly by Secular Arms, and partly by Priestly Arms, which they call Spiritual. For Secular Arms we have their own Confession, that the late War was *Bellum Episcopale*; and we have the *Papists* Confession, that it was *Bellum Papale*: For, in their Letters, they say, *That the War concerns them, not only as Subjects, but as Catholics*; for so they falsely call themselves: And if it be so, then *Bellum Episcopale* is also *Bellum Papale*: In the Episcopal War, the Papal Cause is advanced by the Spiritual Arms. Thus they come to Execution.

‘ When a great Man is coming, his Sumpters, his Furniture, his Provisions, go before: The *Pope's* Furniture, Altars and Copes, Pictures and Images, are

are come before, and, if we believe Dr. *Cofins*, the An. 16. Car. I.
very Substance of the Mass; a certain Sign that the 1640.
Pope was not far off. Now, these Forerunners be-
ing come, if any Man resist them, Fire comes out
of the Brambles, and devours the Cedars of *Lebanon*;
the Army of the *Priests* falls upon him with their
Arms of Suspension, Sequestration, Excommunica-
tion, Degradation, and Deprivation: And by these
Arms hath Mr. *Smart* been oppressed and undone.
He falls upon their Superstitions and Innovations;
and they fall upon him with their Arms, they beat
him down, yea they pull him up by the Roots,
taking away all his Means of Maintenance and
Living; yet they leave him Life to feel his Mife-
ries: *Ita feriunt, ut diu se sentiat mori*. There is no
Cruelty equal to Priestly Cruelty. These are they
that did put our Saviour to Death. The Calling is
reverend, but the Corruption of it most pernicious;
Corruptio optimi pessima. I know no Reason of this
Change, except it be that of the Apostle, *Because*
when they knew God, they did not worship him as
God, but made a God of the World; placing the
Excellency of Priesthood in worldly Pomp and
Greatness; and gave the Glory of the invisible God
to Pictures, Images and Altars; *therefore God gave*
them up to vile Affections, to be implacable, un-
merciful, and without natural Affection. But what-
soever is the Cause of their Corruption, certainly
their Arms have fallen heavily upon Mr. *Smart*,
and Priestly Cruelty hath cast him into a long Mi-
sery; from which he could get no Release by any
Priestly Mercy.

‘ And now it is prayed, That as these Delin-
quents, by the cruel Oppressions of Mr. *Smart*,
have advanced the Cause of *Popery*, so they may in
such a Degree of Justice be punished, that, in them,
Priestly Cruelty, and the very Cause of *Popery*,
may appear to be punished and suppressed; and that
Mr. *Smart*, suffering for the Cause of *Protestancy*,
may be so repaired, that, in him, pious Constancy,
and the very Cause of *Protestancy*, may appear to
be righted and repaired.’

March

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An. 16. Car. I.
1649.

The Lords re-
turn Thanks to
those Peers, who
petitioned for
the Calling this
Parliament.

March 18. This Day, according to an Order of the House of Peers, the Petition of some Lords, presented by them to his Majesty when at *York (d)*, was brought in and read openly in the House, and then it was *resolved*, 'That, for the Honour of the Lords Petitioners, this Petition be recorded in the *Journal-Book* of this House, with their Names thereunto; and that it be esteemed as the Act of this House; and this House doth give them Thanks for it.' Which was done accordingly. The same had been done before by the Commons.

The House of Commons was employed, seemingly, all the rest of this Month, in getting ready to support the Charge against the Earl of *Strafford*; the Trial of whom began *March 22*, Scaffolds being erected in *Westminster-Hall* for that Purpose.

We meet with the following Speech of Sir *John Wray's*, for a vigorous Prosecution of the Earl of *Strafford*. It seems to have been spoke sometime this Month, but the Day is not mentioned.

Mr. Speaker,

Sir John Wray's
Speech against
the Earl of *Straf-*
ford.

IN this great and weighty Cause, we ought seriously to consider,
'*First*, What we ourselves have done already, in the Accusation and Impeachment of this great Earl of High Treason.

'*Secondly*, Let us remember what we now are; not only Parliament-men, but Public Men, and *Englishmen*.

'As Parliament-men, let us follow the Steps of our Ancestors, and be constant to that Rule of Law which was their Guide, and should be ours.

'As Public Men, forget not whom we here represent, and by how many chosen and trusted.

'As *Englishmen*, let us call to mind the undaunted Spirits and stout Hearts of those antient Heroes, from whom we are descended; how free they were from Pusillanimity, and how they scorned all Flattery, and Slavery: Let us then, now or never,

(d) See Vol. VIII. p. 491.

Mr.

Mr. Speaker, shew that the same Blood runs in our An. 16. Car. 1,
Veins. 1640.

‘*Thirdly*, Let us be well advised what to do, in case we shall be denied Justice in this Particular; upon which depends not only the Happiness, but the Safety of this Parliament, of this Kingdom, of ourselves, and of our Posterities. And this is my *Adviso*.’

March 24. The Commons *resolved*, 1. ‘That the Sentence in the *Star-Chamber*, against Mr. *Burton*, is illegal, and without any just Ground, and ought to be reversed, and he to be freed from the Fine of 5000 l. and Imprisonment by that Sentence.’

The Proceedings
against Mr Bur-
ton reversed with
Damages.

2. ‘That he ought to be restored to his Degrees taken in the University, Orders in the Ministry, and to his Benefice in *Friday-Street, London*.

3. ‘That the Order of the Council-board for transferring him from the Castle of *Lancaster* to the Isle of *Guernsey*, and his Imprisonment there, is against the Law, and Liberty of the Subject.

4. ‘That he ought to have Reparations and Recompences for the Damages sustained by his said Imprisonment, Loss of his Ears, Exile, and other Evils sustained by the said unjust and illegal Proceedings.’

We now pass on to another busy Year, in which much Ink and Paper was wasted in Remonstrances and Answers to them, between King and Parliament, before the Parties on each Side proceeded to write their Minds much plainer in Letters of Blood. The House of Commons, whose *Journals* we make the Ground-Work of these Proceedings, whilst the Trial of the Earl of *Strafford* was in Agitation, had several Conferences with the Lords, in order to push it on with greater Vigour, and to avoid Loss of Time by slow Approaches. Anno 1641.

March 25. This Day a Conference was held, to represent to the Lords the Necessity of expediting the

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1641.

The Commons
Reasons for ha-
stening Lord
Strafford's Trial.

the Earl of *Strafford's* Trial, in respect of the pressing Occasions of both Houses, and of the State of the whole Kingdom; which would be much interrupted and prejudiced by the Protraction of it. In this Consideration the House of Commons desired their Lordships that they would be pleased to prevent all unnecessary Delays, which might be occasioned by his Excursions or impertinent Exceptions; which, as they would take up much Time in Debate, so they may occasion frequent Adjournments, which were desired to be avoided.

A Message from the Lords, by two of the Judges, That the King expects both Houses to attend him at *Whitehall*, on *Saturday* the 27th Instant, at Two in the Afternoon, touching the disbanding of the *Irish* Army, disarming of *Recusants*, and removing of *Papists* from Court; which was agreed to by the Commons. The principal of these *Papists* which were desired to be banished from Court, were, Mr. *Walter Montague*, Sir *Toby Matthews*, Sir *Kennel Digby*, and Sir *John Wintour*; but no further Account of this Matter is given in either of the *Journals* (a). Some more Proceedings relating to the borrowing 120,000*l.* of the City, in order to supply the present pressing Occasions of the State, is all that, materially, happened in either House till

March 30. When a Bill for reforming the unlawful Acts and Proceedings of the Privy Council, and the Court called the *Star-Chamber*, was brought into the House of Commons, and read a first Time: Also a Bill to restrain Bishops, and others in Holy Orders, from meddling with Secular Affairs.

April 6. A Conference was desired by the Commons with the Lords; in which, amongst other Matters, they were requested to move his Majesty again for a speedy Answer to the Desires of both Houses

(a) These Gentlemen were principally concerned in soliciting Collections from the *English* Catholics for supporting the War against the *Scots*, in pursuance of a Letter from the Queen for that Purpose. See before, p. 174.

Houses concerning the disbanding the *Irish* Army, An. 17. Car. I. 1641. disarming of the *Papists*, and removing of *Recusants* from Court. Five Lords were appointed for that Purpose.

April 9. The Lords and Commons still attending the Trial of the Earl of *Strafford*, *de Die in Diem*, the other Proceedings of both Houses are very short in their *Journals*. This Day the Commons prayed a Conference with the Lords; the Heads of which were to this Effect, 'To acquaint them with the great Necessities of the Kingdom; the Preciousness of Time, and how much already had been spent in this Trial; how prejudicial it will be to the Kingdom, if any more be spent than has been; and therefore to desire that To-morrow may be appointed for a peremptory Day for the Earl of *Strafford* to be heard, if he will come (e); otherwise, that the Committee of this House may proceed in their Replication to the whole Matter, and the Earl of *Strafford* to be absolutely excluded from saying any more, as to the Matter of Fact. This Request was acceded to by the Lords.

Upon this Occasion Sir *John Wray* made the following Speech (f):

Mr. Speaker,

' **T**Ruth is the Daughter of Time, and Experience the best Schoolmaster, who hath long since taught many Men and Estates the sad and woful Effects of an half-done Work: Those Convulsions and renting Pains, which the Body of *Great Britain* now feels, shew us, that the ill Humours and Obstructions are not yet fully purged, nor dissolved.

' Mr. Speaker, God will have a thorough Work done; if, instead of redressing Evils, we think to trans-

Sir John Wray's
second Speech
for Dispatch
thereof.

(e) The Earl had been taken ill of a violent Fit of the Stone the Night before, *Whitlocke*.

(f) From the Collection of this Gentleman's Speeches, published by himself, and printed by *Francis Constable*, 1641.

An. 17. Car. 1. transact all, by removing of Persons, and not
1641.

Things, well may we lull our Troubles for a Season; but they will return with greater Violence.

‘ For, believe it, Mr. Speaker, let us flatter ourselves as we please, a dim-sighted Eye may see, that altho’ we think we have now passed the Equivocal of the *Straffordian* Line, and seem to have gone beyond *Canterbury*; yet the factious and undermining Agents of our Religion grow daily more and more powerful; and, no doubt, do labour an Extirpation of all Parliaments, and Men too, that will not think, say, and swear to their Opinions and Practices.

‘ Have we not then Mr. Speaker, a Wolf by the Ears? Is there any Way to get Scot-free, or Wolf-free, but one? Then let us take and not forsake that old *English* Parliamentary Road, which is *Via tuta*, and will bring us safely to our Journey’s End.—This is my humble Motion.’

To shew the Number of Members of the Lower House, that attended the Service at this Time, we mention a Division which happened, this Day, on a Question, Whether a Cessation of Arms with *Scotland* should continue for a Fortnight longer; or, if the Treaty should hold so long? There were 167 for it, and 128 against it; in all 295 Members.

Sir Henry Vane’s
Notes of Opinions
in Council,
produced against
Lord Strafford.

April 10. An Affair of the utmost Consequence to the Earl of *Strafford*, since it cost him his Life, came before the Commons. Preparatory to it, the Doors of the House were order’d to be shut, the Key brought up, and none to go out without Leave: Then Mr. *Glynn* reported from the Committee in the Earl of *Strafford*’s Cause, That they had some further Evidence to corroborate the latter Part of the 33d Article against him: Thereupon Sir *Henry Vane*, the younger, and Mr. *Pymme*, were enjoined by the House to declare their whole Knowledge, concerning the Matters contained in that Article against the Earl, and how and by what Means they came
by

by it. When they had done this, a Paper (g) was produced by Mr. *Pymme*; and so much of it read by him as concerned the Earl of *Strafford*, but afterwards he was ordered to read it all. Notice being then given that a Message from the Lords waited at the Door, they were ordered to be called in; but all the Members to keep their Seats, and none to stir out without Leave.

An. 17. Car. 1.
1647.

The further Examination of this Business is left short in the *Journals*; it is only said there, That the Treasurer, Sir *Henry Vane*, was enjoined by the House to answer, Whether he did take any Notes to the Effect of those Notes already read, at what Time, and upon what Occasion? The Answer omitted; and this is all which is said, therein, at this Time.

On the same Day a Bill for the Attainder of *Thomas Earl of Strafford*, for High Treason, was read a first Time in the House.

Ordered, That the Committee on the Earl of *Strafford's* Affair do meet at the usual Place, on *Monday* Morning, at Seven o'Clock; and the House to resume the Consideration of that Business at Eight.

April 12. Heads of a Conference to be desired with the Lords were argued in the House. '1st, A Narrative of the Evidence mentioned on *Saturday* last, to which two Members of this House were ready to depose: 2^{dly}, That the House having taken it into Consideration, did conceive it very material; but, in regard of the Danger and Distractions of the present Times, and that much Time may be spent in the Debate touching the admitting of this Evidence, they resolve to come to a general Reply, setting aside that Evidence for this Time, &c. 3^{dly}, That upon Occasion of Discovery

(g) In a Marginal Note of the printed *Journals*, we are told, That this Paper was a Copy of Notes, taken at a *Giunto* of the Privy Council, for the *Scotts* Affairs, about the 5th of *May* last.
Commons Journals, Vol. II. p. 118.

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Discovery of this Evidence, a Paper was read in the House (b); whereby it did appear, that at the same Time the dangerous Words were spoken by the Earl of *Strafford*, touching the bringing the *Irish* Army into *England*, other Words were then spoken by two others, then present, decyphered by these Letters, *L. Arch. L. Cott.* (by which we conceive is meant the Lord Archbishop of *Canterbury* and Lord *Cottingham*) very full of pernicious Counsels to the King, and Slander to the Commons assembled in the last Parliament, as would appear by the Paper, if their Lordships would please to have it read, which the Committee is commanded to read, and leave it to their Consideration: And to desire their Lordships will take some Course that it may be duly examined by whom these Words were spoken, that there might be some further Proceedings to prevent the Dangers that may ensue thereupon; and that these Counsels may be looked into, and searched to the Bottom.

The Conference being held, as was desired, Mr. *Glynn* reported to the House, That the Lord Steward did speak for the rest of the Lords; and told them, that the Lords had agreed this House may proceed as formerly was intended, before the Offer of further Evidence was proposed. The Lord *Strafford* to recollect his Evidence first, and, that being done, the Members of the House of Commons to state theirs. All this to be ended To-morrow Morning; of which they would give the Earl of *Strafford* Notice.

Mr.

(b) Mr. *Whitlocke* gives the following Account of the Discovery of this Paper of *Notes*, taken by Secretary *Vane*, of some Opinions delivered at the Council Table, the Morning of the Day the last Parliament was dissolved, thus:

‘ Secretary *Vane* being out of Town, sent a Letter to his Son, Sir *Henry Vane*, the younger, then in *London*, with the Key of his Study, for his Son to look in his Cabinet for some Papers there, to send to his Father.—The Son looking over many Papers, among them lighted upon these *Notes*; which being of so great Concernment to the Public, and declaring so much against the Earl of *Strafford*, he held himself bound in Duty and Conscience to discover them.—He shewed them to Mr. *Pymme*, who urged him, and prevailed with him, that they might be made Use of in the Evidence against the Earl of *Strafford*, as being most material and of great Consequence, in relation to that Business.’

Mr. *Whitlocke* informs us, That the next Day, An. 17. Car. I.
April 13, the Earl being brought to *Westminster*, 1641.
ster, and both Houses being met, the *Notes* were
openly read: The Title of them was, *No Danger*
of a War with Scotland, if Offensive, not Defensive.

Then followed the Opinions interlocutory.

K. C. (i) *How can we undertake an offensive War, if we have no more Money?*

L. L. Ir. (k) *Borrow of the City 100,000 l. go on vigorously to levy Ship-Money; your Majesty having tried the Affection of your People, you are absolved and loose from all Rule of Government, and to do what Power will admit. Your Majesty having tried all Ways, and being refused, shall be acquitted before God and Man: And you have an Army in Ireland, that you may employ to reduce this Kingdom to Obedience; for I am confident the Scots cannot hold out five Months.*

L. Arch. (l) *You have tried all Ways, and have always been denied, it is now lawful to take it by Force.*

L. Cot. (m) *Leagues abroad there may be made for the Defence of the Kingdom: The Lower House are weary of the King and Church: All Ways shall be just to raise Money by, in this inevitable Necessity, and are to be used, being lawful.*

L. Arch. *For an offensive, not any defensive War.*

L. L. Ir. *The Town is full of Lords, put the Commission of Array on Foot, and if any of them stir we will make them smart.*

To this the Earl answered, ' That it were hard Measure, for Opinions and Discourses by Privy Counsellors, in a Debate of Council, to be prosecuted under the Notion of Treason.

1. 'As to the Words, *That the King had an Army in Ireland to reduce this Kingdom*, they are only proved by the single Testimony of one Man, Secretary *Vane*; which is not of Validity enough in Law, in Matter of Debt, much less in point of Life and Death.

2. ' That

(i) K. Charles. (k) Lord Lieutenant of Ireland, Earl of *Strafford*.

(l) Archbishop *Laud*. (m) Lord *Cottington*.—By these Abbreviations the foregoing Persons were supposed to be intended.

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2. 'That the Secretary's Deposition was exceeding dubious; for, upon two Examinations, he could not remember any such Words; the third Time his Testimony was not positive, *but that I spake those Words, or the like*; and Words may be very like in Sound, yet differ much in Sense.

3. 'That there were present at the Debate but eight Privy Counsellors; two of them (the Archbishop and Secretary *Windebank*) cannot be produced. Secretary *Vane* affirms the Words; I deny them. Four remain for Evidence, the Marquis of *Hamilton*, the Earl of *Northumberland*, the Lord Treasurer, and the Lord *Cottington*. All these have declared upon their Honours, That they never heard me speak those Words, nor any the like.

4. 'Suppose I spake the Words, which I grant not, yet cannot the Word *this* rationally imply *England*, as is yielded on all Hands; because *England* was not out of the Way of Obedience, as the Earl of *Clare* well observed; and because there never was any the least Intention of landing the *Irish* Army in *England*, as the Lords of the Council are able to attest.'

Mr. *Whitlocke* proceeds to tell us, 'That the foregoing Paper, of so great Consequence, was missing at the Committee; and, by the Earl's Answer, supposed he had seen it, and that it was conveyed to him by some of the Committee: That he, being in the Chair, and having the Charge and Custody of all the Papers, was suspected more than others to have acted this Piece of Treachery. He adds 'That great Inquiry and Search was made for the Paper, but it could not then be found. He told them when it was missing; and that amongst such a Multitude of Papers as he had in his Custody, it was not easy to see that he had them all again, when they were brought forth, or any of them called for: That he never shewed this Paper to any but the Committee, and knew not who had it, or what was become of it; nor did he convey it, or know of any that had conveyed it away. But this would

would not serve; the House was acquainted with An. 17. Car. I.
the missing of the Paper, and they ordered, 'That 1641.
every one of the Committee should make a solemn
Protestation in the House, that they did not convey
it away, nor knew what was become of it.'

'All of them made this Protestation, and the Lord
Digby with more Earnestness and deeper Imprecations
than any of the rest; yet afterwards, at the
Battle of *Naseby*, the King's Cabinet being taken,
among the Papers in it was a Copy of these *Notes*,
under the Lord *Digby's* Hand; whereby *Whitlocke*
was clear'd, and the Conveyer of the Paper to the
King, and from him to the Earl of *Strafford*, was
fully discovered.'

The Earl having delivered his Answer to the
additional Proof, the Lord Steward told him, *That*
if he had any Thing further to say in his Defence,
he should proceed, because the Court intended to pre-
pare Matters for their speedy Judgment.

Whereupon he made a summary Repetition of
the several Parts of his former Defence, and con-
cluded thus:

'My Lords, it is hard to be questioned upon a The Earl's De-
Law which cannot be shewn. Where hath this fence.
Fire lain hid so many hundred Years, without Smoak
to discover it, till it thus burst forth to consume me
and my Children?

'That Punishment should precede Promulga-
tion of a Law; to be punished by a Law subse-
quent to the Fact, is extream hard: What Man
can be safe, if this be admitted?

'My Lords, it is hard in another respect, that
there should be no Token set, by which we should
know this Offence; no Admonition, by which we
should avoid it. If a Man pass the *Thames* in a
Boat, and split himself upon an Anchor, and no
Buoy be floating to discover it, he who owneth the
Anchor shall make Satisfaction: But if a Buoy be
set there, every Man passeth upon his own Peril.

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1641.

Now, where is the Mark, where is the Token upon this Crime, to declare it to be High Treason?

My Lords, be pleased to give that Regard to the Peerage of *England*, as never to expose yourselves to such moot Points, such constructive Interpretations of Laws: If there must be a Trial of Wits, let the subject Matter be of somewhat else than the Lives and Honours of Peers.

It will be Wisdom for yourselves, for your Posterity, and for the whole Kingdom, to cast into the Fire these bloody and mysterious Volumes of constructive and arbitrary Treason, as the primitive Christians did their Books of curious Arts; and betake yourselves to the plain Letter of the Law and Statute, that telleth us what is, and what is not Treason; without being more ambitious to be more learned in the Art of Killing, than our Forefathers.

It is now full 240 Years since any Man was touch'd for this alledged Crime, to this Height, before myself. Let us not awaken these sleeping Lions, to our Destructions, by taking up a few musty Records, that have lain by the Walls so many Ages forgotten, or neglected.

May your Lordships please not to add this to my other Misfortunes; let not a Precedent be derived from me so disadvantageous, as this will be, in its Consequence, to the whole Kingdom. Do not, thro' me, wound the Interest of the Commonwealth: And howsoever these Gentlemen say, they speak for the Commonwealth; yet, in this Particular, I indeed speak for it, and shew the Inconveniences and Mischiefs that will fall upon it: For, as it is said in the Statute, 1. *Henry IV.* *No one will know what to do or say for Fear of such Penalties (m).*

Do

(m) By this Act, which the Earl of *Strafford* here quoted, it was enacted, 'That, in no Time to come, any Treason be judged otherwise than it was ordained by the Statute in the Time of the King's Noble Grand-Father, King *Edward III.* whom God assist.' And the Reason given for it is, 'Because, by an Act of 21. *Rich. II.* divers Pains of Treason were ordained by Statute, in as much that there was no Man which did know how he ought to behave himself, to do, speak, or say, for doubt of such Pains.'

Statutes at Large, Anno 1. Hen. IV. Cap. 10.

‘ Do not put, my Lords, such Difficulties upon Ministers of State, that Men of Wisdom, of Honour, and of Fortune, may not, with Chearfulness and Safety, be employed for the Public. If you weigh and measure them by Grains and Scruples, the public Affairs of the Kingdom will lye waste; no Man will meddle with them, who hath any Thing to lose.

‘ My Lords, I have troubled you longer than I should have done, were it not for the Interest of those dear Pledges a Saint in Heaven hath left me’

At this Word he stopped a while, letting fall some Tears to her Memory, then he went on.

‘ What I forfeit myself is nothing; but that my Indiscretion should extend to my Posterity, woundeth me to the very Soul.

‘ You will pardon my Infirmary, something I should have added, but am not able, therefore let it pass.

‘ Now, my Lords, for myself, I have been, by the Blessing of Almighty God, taught, *That the Afflictions of this present Life are not to be compared to the eternal Weight of Glory which shall be revealed hereafter.*

‘ And so, my Lords, even so, with all Tranquility of Mind, I freely submit myself to your Judgment; and whether that Judgment be of Life or Death, *Te Deum laudamus.*

Mr. *Whitlocke* sums up his Account of the Earl’s Behaviour, in these Words; which are the more remarkable as he was Chairman of the Committee against him, ‘ Certainly never any Man acted such a Part, on such a Theatre, with more Wisdom, Constancy, and Eloquence; with greater Reason, Judgment, and Temper; and with a better Grace in all his Words and Gestures, than this great and excellent Person did; and he moved the Hearts of all his Auditors, some few excepted, to Remorse and Pity.’

April 14. Notwithstanding these Proceedings relating to the Trial, the Bill for the Attainder of the

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An. 17. Car. 1. Earl of *Strafford* went on; and this Day it was read a second Time in the House of Commons, and committed to a Committee of the whole House (n).

April 15. Another Conference was desired by the Commons, relating to the Trial and this Bill; in which, amongst other Matters, it was observed to the Lords, That the Evidence of Fact being given, it was proposed, from the Beginning, to go by way of Bill; and that they had accordingly brought in a Bill for his Attainder. That the Proceedings, by way of Bill, stand no way in Opposition to the other Proceedings that have already been in this Business.

Mr. *Whitlocke* reported from this Conference, 'That they were told by the Lords that they were not absolutely resolved how the Trial should proceed: That the Lord *Strafford's* Counsel should have Notice to attend there the next Day, and should not speak to any Matter of Fact, but to Matter of Law only.

The Earl of Holland appointed to disband the Armies.

The same Day, at a Conference of both Houses about the Satisfying and Dissolving of the three Armies, which were suddenly to be disbanded, the Earl of *Holland* declared, 'That his Majesty had been pleased to nominate him as General for that Purpose; upon which he spake very learnedly in the way of all Acknowledgment of so great a Favour cast upon him, many of that Honourable Assembly being more deserving, as he said, and more capable than himself; nevertheless accounted himself very happy to be made an Instrument of so much Good, for the Quiet and Peace of the Kingdom; and that his greatest Care should be to perform the said Trust faithfully, and in Duty to the King, and the Good of his Country (o).'

April

(n) This Bill of Attainder was brought in by Sir *Arthur Haslerig*. Lord *Clarendon* gives a very long and particular Account of it in his first Volume, p. 178 to p. 183, *Fol. Edit.*—Dr. *Nelson* says, This Bill was read *thrice in one Day*; an Assertion owing to meer Party-Prejudice: For it was read the first Time, *April 10*; the second, *April 14*; and the third, *April 21*; as appears by the *Journals*.

(o) *Diurnal Occurrences*, p. 80.

April 16. This Day the House of Commons took An. 17. Car. I.
into Consideration Yesterday's Report from the 1641.
Lords, concerning the Trial; when it was resolved,
upon the Question, 'That it is sufficiently proved,
that *Thomas Earl of Strafford* hath endeavoured to
subvert the Antient and Fundamental Laws of these
Realms of *England* and *Ireland*, and to introduce
an Arbitrary and Tyrannical Government, against
Law.'

In the Afternoon of this Day another Conference
was desired with the Lords, on the following Par-
ticulars: 1st, To take Notice to them of their
Lordships Resolution to hear the Earl of *Strafford's*
Counsel in Matter of Law only. 2^{dly}, To put
their Lordships in Mind of a Saving the Commons
had in that Point; and further to tell them this,
That if, after his Counsel shall be heard, any Doubt
should remain with their Lordships, they shall be
ready to satisfy them in due Time. 3^{dly}, That
to this end, they do intend to send a Committee of
this House, only to hear what his Counsel shall say.—
[This last Particular raised some Debate in the House;
and, being put to the Question, the House was di-
vided upon it; but yet, after the Tellers were ap-
pointed, the Noes yielded to the Yeas without a Di-
vision.] 4^{thly}, To desire that their Lordships would
be pleased to put an End to this Trial as soon as
in Justice it may be; to desire also a Continuance of
their Care, that the Counsel, under colour of speak-
ing to the Matter of Law, travel not into Matter
of Fact. Sir *Robert Harley* to go up with this
Message.

On *Monday* the 19th, Commissary *Wilmot* ha-
ving acquainted the House, That he, and the rest
of the Officers of the Army, Members of that
House, had received Orders to go down to their
Charges in the Army, very suddenly; the Commons
took two or three Days Time to consider of this
Business: And it was immediately ordered, 'That
a Call of the House should be on *Tuesday* the 28th
Instant; and that no Members, in the mean time,

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1641.

The same Resolution was made in regard to the Earl of *Strafford*, as on the 16th, with the Addition of voting him *Guilty of High Treason*.

All this while there is nothing material, to our Purpose, entered on the *Journals* of the Lords, except some further Affairs relating to the Treaties with the *Scots*, which we cursorily pass over, because of the excessive Length and Tedioufness of them, to come at Matters of more Concern at home. All the Affairs, hitherto, relating to the Trial of the Earl of *Strafford*, are struck out of the *Lords Journals*, as is before mentioned; but, from hence forwards, those Authorities are without such Castrations.

Resolutions in
favour of, Mr.
Prynne;

April 20. Mr. *Rigby* reported from the Committee, to whose Consideration it was referred, the Case of Mr. *William Prynne*, of *Lincoln's-Inn*: Whereupon the Commons resolved, 1. That the Sentence given against him in the *Star-Chamber*, Feb. 17. Anno 9. Car. is illegal, and given without just Cause, and ought to be reversed; and that he ought to be discharged of the Fine of 5000*l.* imposed by the said Sentence, and of all Extents thereupon, and of his Imprisonment decreed by that Sentence.

2. That he ought to be restored to his Degrees in the University of *Oxford*, and to the Society of *Lincoln's-Inn*, and to the Exercise of his Profession of an Utter Barrister at Law, and to his Chamber again in *Lincoln's-Inn*.

3. That he ought to have Reparation for such Damages and Prejudice, as he hath sustained by the said Sentence and Proceedings.

4. That the Sentence given against him in the *Star-Chamber*, 14. Junii, 1637, Anno 13. Car. is illegal, and given without any just Cause or Ground, and therefore ought to be reversed; and that he ought to be discharged of the Fine and Imprisonment thereby decreed; and that he ought to have Reparation

ration and Recompence for the Damages sustained by that Sentence and the Execution thereof. An. 17. Car. 1.
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5. 'That the Warrant, dated 27. Aug. Anno 13. *Caroli*, made for transporting of him from *Carnarvon* Castle to the Isle of *Jersey*, and his Imprisonment there, and other Restraints therein mentioned, are against the Law and Liberty of the Subject; and that he ought to be discharged of that Imprisonment, and to have Reparations for the Damages sustained thereby.

6. 'That his Imprisonment, by Warrant, dated Feb. 1, 1632, under the Hands of *Thomas Lord Coventry*, Lord Keeper of the Great Seal of *England*, *Richard* Lord Archbishop of *York*, *Henry* Earl of *Manchester*, *Edward* Earl of *Dorset*, *Henry* Lord Viscount *Falkland*, *William* Lord Bishop of *London*, *Edward* Lord *Newburgh*, and Sir *Thomas Ferymyn*, is unjust and illegal; and that they ought to give him Satisfaction for the Damages sustained by his Imprisonment.

It was also ordered, 'That a Charge be drawn up against Dr. *Heylin*, touching his promoting his Suit in the *Star-Chamber* against Mr. *Prynne*.'

The next Day Mr. *Rouse* reported the Case of Dr. *Leighton*; when the House came to the following Resolutions:

1. 'That the attaching, imprisoning, and detain- And of Dr.
ing Dr. *Leighton* in Prison, by Warrant from the *Leighton*.
High Commissioners, is illegal.

2. 'That the breaking open his House, and taking away his Papers by *Edmund Wright*, then Sheriff of *London*, and now Lord Mayor, is illegal.

3. 'That the said *Edmund Wright* ought to give Reparations to him for his Damages sustained by the breaking open his House, and taking away his Papers, and other Goods, as aforesaid.

4. 'That the Archbishop of *Canterbury*, then Bishop of *London*, ought to give Satisfaction to him for his Damages, sustained by fifteen Weeks Imprisonment in *Newgate*, upon the said Bishop's Warrant.

5. 'That

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5. ' That the great Fine of 10,000*l.* laid upon him by a Sentence in the *Star-Chamber*, is illegal.

6. ' That the Sentence of Corporal Punishment imposed upon him, the Whipping, Branding, sitting his Nose, cutting off his Ears, setting in the Pillory, and the Execution thereof, and Imprisonment thereupon, are illegal.

7. ' That he ought to be freed from the great Fine of 10,000*l.* and from the Sentence of perpetual Imprisonment; and to have his Bonds delivered up, which he entered into for his true Imprisonment.

8. ' That he ought to have good Satisfaction and Reparation for his great Sufferings and Damages, sustained by the illegal Sentences in the *Star-Chamber* (o).

In the Afternoon of this Day was a final Determination put to the Bill of Attainder against the Earl of *Strafford*, in the House of Commons. It had been debated strongly great Part of the Morning, and was ordered to be ingrossed. This Ingrossment was made very quick; and, on the third Reading of it, Lord *Digby*, who had been one of the Committee against the Earl, spoke as follows (p):

Mr. Speaker,

Lord Digby's
Speech against
the Bill for at-
tainting the Earl
of *Strafford*.

WE are now upon the Point of giving (as much as in us lies) the final Sentence unto Death or Life, on a great Minister of State, and Peer of this Kingdom, *Thomas Earl of Strafford*; a Name of Hatred in the present Age, by his Practices, and fit to be made a Terror to future Ages by his Punishment.

I have had the Honour to be employed by the House in this great Business, from the first Hour that it was taken into Consideration. It was a Matter of great Trust, and I will say, with Confidence,

(o) See the Proceedings against him, in the *Star-Chamber*, in *Rushworth*, Vol. II. p. 55. & seq.

(p) From the original Edition, published by *The Walkley*, 1641; which is more correct than that in the *Collections*.

dence, that I have served the House in it, not only with Industry, according to my Ability; but with most exact Faithfulness and Service.

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‘ And as I have hitherto discharged my Duty to this House and to my Country, in the Progress of this great Cause, so I trust I shall do now in the last Period of it, to God and to a good Conscience.

‘ I do wish the Peace of that unto myself, and the Blessings of Almighty God to me and my Posterity, according as my Judgment on the Life of this Man shall be consonant with my Heart, and the best of my Understanding in all Integrity.

‘ I know well, Mr. Speaker, that by some Things I have said of late, whilst this Bill was in Agitation, I have raised some Prejudices upon me in the Cause. Yea some (I thank them for their plain Dealing) have been so free as to tell me, That I have suffered much by the Backwardness I have shewn in this Bill of Attainder of the Earl of *Strafford*, against whom I have, formerly, been so keen, so active.

‘ I beg of you, and the rest, but a Suspension of Judgment concerning me, till I have opened my Heart unto you clearly and freely in this Business. Truly, Sir, I am still the same in my Opinions and Affections, as unto the Earl of *Strafford*: I confidently believe him to be the most dangerous Minister, the most insupportable to free Subjects, that can be charactered. I believe his Practices in themselves as high, as tyrannical, as any Subject ever ventured on; and the Malignity of them hugely aggravated by those rare Abilities of his, whereof God had given him the Use, but the Devil the Application. In a Word, I believe him to be still that grand Apostate to the Commonwealth, who must not expect to be pardoned in this World, till he be dispatched to the other (q.) And yet, let me tell you, Mr. Speaker, my Hand must not be to that Dispatch: I protest, as my Conscience stands informed, I had rather it were off.

‘ Let me unfold to you the Mystery, Mr. Speaker: I will not dwell much upon justifying unto you my

(q) See before, p. 161.

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my seeming Variance at this Time from what I was formerly, by putting you in mind of the Difference between Prosecutors and Judges. How misbecoming that Fervour would be in a Judge, which perhaps was commendable in a Prosecutor. Judges we are now, and must put on another Personage. It is honest and noble to be earnest, in order to the Discovery of Truth; but when that hath been brought so far as it can to Light, our Judgment thereupon ought to be calm and cautious. In Prosecution upon probable Grounds, we are accountable only for our Industry or Remissness; but in Judgment we are deeply responsible to God Almighty for its Rectitude or Obliquity. In Cases of Life, the Judge is God's Steward of the Party's Blood, and must give a strict Account for every Drop.

But, as I told you, Mr. Speaker, I will not insist long upon this Ground of Difference in me now, from what I was formerly.

The Truth of it is, Sir, the same Ground whereupon I (with the rest of the Few to whom you first committed the Consideration of my Lord *Strafford*) brought down our Opinion, That it was fit he should be accused of Treason; upon the same Ground I was engaged with Earnestness in his Prosecution; and had the same Ground remained in that Force of Belief with me, which till very lately it did, I should not have been tender in his Condemnation: But truly, Sir, to deal plainly with you, that Ground of our Accusation, that Spur to our Prosecution, and that which should be the Basis of my Judgment of the Earl of *Strafford*, as unto Treason, is, to my Understanding, quite vanished away.

This it was, Mr. Speaker: His advising the King to employ the Army in *Ireland* to reduce *England*. This I was assured would be proved, before I gave my Consent to his Accusation. I was confirmed in the same Belief, during the Prosecution, and fortified most of all in it since Sir *Henry Vane's* preparatory Examination, by Assurances which

which that worthy Member, Mr. *Pymme*, gave me, that his Testimony would be made convincing by some Notes of what pass'd at the Juncto, concurrent with it; which I ever understanding to be of some other Counsellor, you see now prove but a Copy of the same Secretary's Notes, discovered and produced in the Manner you have heard; and those such disjointed Fragments of the venomous Part of Discourses: No Results, no Conclusions of Councils, which are the only Things that Secretaries should register; there being no Use of the other, but to accuse and bring Men into Danger.

But, Sir, this is not that which overthrows the Evidence with me, concerning the Army in *Ireland*; nor yet, that all the rest of the Juncto remember nothing of it; but this, Sir, which I shall tell you, is that which works with me, under Favour, to an utter Overthrow of his Evidence, is unto that of the Army of *Ireland*: Before, whilst I was Prosecutor, and under Tye of Secrecy, I might not discover any Weakness of the Cause, which now, as a Judge, I must. Mr. Secretary was examined thrice upon Oath, at the preparatory Committee. The first Time he was questioned to all the Interrogatories; and to that Part of the seventh, which concerns the Army in *Ireland*, he said positively these Words, *I cannot charge him with that*; but, for the rest, he desires Time to recollect himself; which was granted him.

Some Days after he was examined a second Time, and then deposes these Words concerning the King's being absolved from Rules of Government, and so forth, very clearly. But being pressed to that Part, concerning the *Irish* Army, again, he said, He could say nothing to that.

Here we thought we had done with him, till, divers Weeks after, my Lord of *Northumberland*, and all others of the Juncto, denying to have heard any thing concerning those Words, of reducing *England* by the *Irish* Army, it was thought fit to examine the Secretary once more; and then he deposes these Words to have been spoken by the Earl
of

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An. 27. Car. 1. of *Strafford* to his Majesty, *You have an Army in Ireland, which you may employ here to reduce* (or some Words to that Sense) *this Kingdom.*
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‘ Mr. Speaker, these are the Circumstances which, I confess with my Conscience, thrust quite out of Doors that grand Article of our Charge, concerning his desperate Advice to the King, of employing the *Irish* Army here.

‘ Let not this, I beseech you, be driven to an Aspersion upon Mr. Secretary, as if he should have sworn otherwise than he knew or believed; he is too worthy to do that; only let thus much be inferred from it, That he who twice upon Oath, with Time of Recollection, could not remember any thing of such a Business, might well a third Time misremember somewhat: And in this Business the Difference of one Letter, *here* for *there*, or *that* for *this*, quite alters the Case; the latter also being the more probable, since it is confess’d on all Hands, that the Debate then was concerning a War with *Scotland*: And you may remember that, at the Bar, he once said *to employ there*. And thus, Mr. Speaker, I have faithfully given you an Account, what it is that hath blunted the Edge of the Hatchet, or Bill, with me, towards my Lord *Strafford*.

‘ This was that whereupon I accus’d him with a free Heart, prosecuted him with Earnestness; and, had it to my Understanding been proved, should have condemn’d him with Innocence; whereas, now, I cannot satisfy my Conscience to do it. I profess, I can have no Notion of any Body’s Intent to subvert the Laws, treasonably, but by Force; and this Design of Force not appearing, all his other wicked Practices cannot amount so high with me.

‘ I can find a more easy and more natural Spring, from whence to derive all his other Crimes, than from an Intent to bring in Tyranny, and to make his own Posterity, as well as us, Slaves; as, from Revenge, from Pride, from Avarice, from Passion, and Insolence of Nature.

But

‘ But had this of the *Irish* Army been proved, it would have diffused a Complexion of Treason over all; it would have been a Withe indeed, to bind all those other scattered and lesser Branches, as it were, into a Faggot of Treason. An. 17. Car. 1.
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‘ I do not say but the rest may represent him a Man as worthy to die, and perhaps worthier, than many a Traitor. I do not say but they may justly direct us to enact, That they shall be Treason for the future.

‘ But God keep me from giving Judgment of Death on any Man, and of Ruin to his innocent Posterity, upon a Law made *a Posteriori*.

‘ Let the Mark be set on the Door where the Plague is, and then let him that will enter die.

‘ I know, Mr. Speaker, there is in Parliament a double Power of Life and Death, by Bill, a Judicial Power, and a Legislative: The Measure of the one is, what is legally just; of the other, what is prudentially and politickly fit for the Good and Preservation of the Whole: But these two, under Favour, are not to be confounded in Judgment. We must not piece up Want of Legality with Matter of Convenience; nor the Defailance of prudential Fitness, with a Pretence of legal Justice.

‘ To condemn my Lord of *Strafford*, judicially, as for Treason, my Conscience is not assured that the Matter will bear it. And to do it by the Legislative Power, my Reason, consultively, cannot agree to that; since I am persuaded neither the Lords nor the King will pass this Bill; and, consequently, that our passing it will be a Cause of great Divisions and Combustions in the State.

‘ Therefore my humble Advice is, That, laying aside this Bill of Attainder, we may think of another, saving only Life, such as may secure the State from my Lord of *Strafford*, without endangering it as much by Division concerning his Punishment, as he hath endangered it by his Practices.

‘ If this may not be hearkened unto, let me conclude in saying that to you all, which I have thoroughly inculcated in mine own Conscience upon
this

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1. this Occasion, Let every Man lay his Hand upon his own Heart, and seriously consider what we are going to do with a Breath, either Justice or Murder; Justice on the one Side, or Murder heightened and aggravated to its supremest Extent on the other: For, as the Casuists say, He who lies with his Sister commits Incest; but he that marries his Sister sins higher, by applying God's Ordinance to his Crime; so, doubtless, he that commits Murder with the Sword of Justice, heightens that Crime to the utmost.

The Danger being so great, and the Case so doubtful, that I see the best Lawyers in diametrical Opposition concerning it, let every Man wipe his Heart, as he does his Eyes, when he would judge of a nice and subtil Object. The Eye, if it be prætincted with any Colour, is vitiated in its Discerning. Let us take heed of a blood-shotten Eye in Judgment.

Let every Man purge his Heart clear of all Passions. I know this great and wise Body Politic can have none; but I speak to Individuals, from the Weakness which I find in myself. Away with personal Animosities; away with all Flatteries to the People, in being the sharper against him, because he is odious to them; away with all Fears of lest by the sparing his Blood they may be incensed; away with all such Considerations, as that it is not fit for a Parliament, that one accused by it of Treason should escape with Life. Let not former Vehemence of any against him, nor Fear from thence that he cannot be safe while that Man lives, be an Ingredient in the Sentence of any one of us.

Of all these Corruptives of Judgment, Mr. Speaker, I do, before God, discharge myself, to the utmost of my Power; and do, with a clear Conscience, wash my Hands of this Man's Blood, by this solemn Protestation, that my Vote goes not to the taking of the Earl of *Strafford's* Life.

The Question being then put for passing the Bill against the Earl, it was carried in the Affirmative, 204 against 59: A great Majority. Mr. *Pymme*

was

was ordered to carry this Bill up to the Lords, and to express to them, 'That it was a Bill that highly concerned the Common-Wealth in the expediting of it.'

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The foregoing Speech of Lord *Digby* gave such Offence to the House, that a Motion was made, 'That the Lord *Digby* explain himself for something he said here this Afternoon, at the passing of the Bill of Attainder of *Thomas Earl of Strafford*, To-morrow Morning.' The next Day the Lord *Digby* did explain himself; but nothing farther was done in the Business at that Time; tho', not long after, when this Speech was printed, a heavy Censure fell upon it. — But to go on with other Matters.

April 22. We are informed by a *Collector* of these Times (r) 'That some Letters being laid before the House of Lords, setting forth the great Want the *Englsh* Soldiers at *Berwick*, and elsewhere, were in, to the great Prejudice of the Country round about; the Lords taking it into their Noble Thoughts, did, among themselves, raise near 5000 *l.* to be presently sent unto them, to be divided amongst them as their Necessity required, till Money came to be raised for their full Pay.'

Contribution of
the Lords for Re-
lief of the Sol-
diery.

The same Day, upon an Information to the House of Peers, that some Disorders have lately happened in several Churches within the County Palatine and City of *Chester*, whereby the Divine Service hath been disturbed, or otherwise neglected and disquieted; it is therefore thought fit and ordered, 'That the Divine Service be performed as it is appointed by the Acts of Parliament of this Realm; and all such as shall disturb this wholesome Order, shall be severely punished according to the Laws; and the Parsons, Vicars, and Curates, in several Parishes, shall forbear to introduce any Rites or Ceremonies that may give Offence, otherwise than those which are established by the Laws of the Land.'

Their Order for
Divine Service to
be performed ac-
cording to Law.

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Resolutions a-
gainst the Court
of the President
and Council of
the North.

April 24. There having been a Committee of the Commons appointed to inquire into the Legality and Proceedings of the High Commission-Court at *York*; this Day Mr. *Hyde*, afterwards Earl of *Clarendon*, reported the Case of it to the House; when it was resolved, upon the Question,

1. 'That the Commission and Instructions, whereby the President and Council in the *North* exercise Jurisdiction, is illegal, both in the Creation and Execution.'

2. 'That the Court of the President and Council in the *North*, is unprofitable to his Majesty.'

3. 'That the said Court is inconvenient and grievous to his Majesty's Subjects in those Parts.'

The same Day the following Petition from divers Citizens of *London* (subscribed, as *Rushworth* says, by 20,000 Persons of good Rank and Quality) was presented to both Houses, and was as follows:

To the Most Honourable Assembly of the LORDS and COMMONS in this Parliament assembled,

The HUMBLE PETITION of divers Citizens of *London*,

Sheweth,

Petition from
the Citizens of
London about
Grievances, &c.

That notwithstanding his Majesty's gracious Answer to the humble Petition of his loyal Subjects, in summoning this Parliament, with the great Care and endeavoured Pains taken by both Houses, for the removing the heavy Grievances in Church and Commonwealth; whereof the Petitioners have already received some Fruit, for which they desire to return their most humble and utmost Thanks: Yet, nevertheless, they are enforced, with all Humility, to represent to this Most Honourable Assembly, some of these Obstructions which do still hinder that Freedom and Fulness of Trade in this City which they formerly had, and without which, considering the numerous Multitudes thereupon depending, they conceive this City cannot comfortably subsist.

As

As the unsettled Condition of the Kingdom, ever since the Troubles in Scotland, hath caused both Strangers, and also some of our own, who did furnish great Sums of Money to Use, to call it in; and remit much of it, by Exchange, into foreign Parts, who stand now in Expectation of what the Issue of Thing may be.

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The stopping Money in the Mint; which, till then, was accounted the safest Place, and surest Staple in these Parts of the World, still doth binder the Importation of Bullion; the Scots now disabled to pay such Debts as they owe to the Petitioners and others in the City; and, by reason of the Oppressions exercised in Ireland, their Debts also are detained there.

The English Trade, by reason of our general Distractions and Fears, is so much decayed, that Country Tradesmen cannot pay their Debts in London as formerly.

The great Sums of Money unduly taken by his Majesty's Officers and Farmers, for Impositions upon Merchandize exported and imported, and the Want of Relief in Courts of Justice against them.

The drawing out from the City great Sums of Money (which is the Life and Spirit of Trade) for his Majesty's Service in the North; and being there employed, is not yet returned.

Besides all which, from what strong and secret Opposition the Petitioners know not, they have not received what so much Time and Pains might give them Cause to hope; but still Incendiaries of the Kingdom, and other notorious Offenders, remain unpunished: The Affairs of the Church, notwithstanding many Petitions concerning it, and long Debates about it, remain unsettled: The Papists still armed; the Laws against them not executed; some of the most active of them still at Court; Priests and Jesuits not yet banished; the Irish Popish Army not yet disbanded; Courts of Justice not yet reformed; and the Earl of Strafford, (who, as now appears, hath counselled the plundering of this City, and putting it to Fine and Ransom, and said, It never would be well till some of the Aldermen were hanged up, because they would not yield to illegal Levies of Money) hath so drawn out and spent Time in his Business, to the very great Ex-

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An. 17. Car. 1. *penca and Charge of the whole Kingdom, and his Endeavour to obtain yet more Time: All which makes us fear there may be Practices now in Hand to hinder the Birth of your great Endeavours; and that we lie under some more dangerous Plot than we can discover.*

1648

All which Premisses, with the Fears and Distractions growing therefrom, and from Things of the like Nature, the Petitioners humbly offer to the most grave Consideration of this Most Honourable Assembly; as being the true Causes of Decay of Trade, Discouragement of Tradesman, and of the great Scarcity of Money, with other ill Consequences they labour under; and do humbly pray, That their said Grievances may be redressed; the Causes of their Fears removed; Justice executed upon the said Earl, and other Incendiaries and Offenders; and the rather, in regard, till then, the Petitioners humbly conceive, neither Religion, nor their Lives, Liberties, or Estates, can be secured. And, as in Duty bound, they shall ever pray.

A Conference deferred thereupon.

This Petition being read, after some Debate thereon, the Lord *Russell*, Son to the Earl of *Bedford*, and Member for *Tavistocke*, was sent by the Commons with a Message, to desire a Conference, by a Committee, of both Houses thereupon: And it was resolved to renew their Request to the Lords to join with them in another Petition to the King, concerning disbanding the *Irish Army*, disarming *Recusants*, and removing *Papists* from Court.

April 26. The Lord *Falkland* was sent up with a Message to the Lords, to desire a Conference. The Heads of this Conference, to be managed by Mr. *Hyde*, were concerning the Court of the *President and Council of the North*; upon which Occasion he delivered himself as follows: (s)

My Lords,

Mr. Hyde's Speech against the Court of York.

I Am commanded, by the Knights, Citizens, and Burgeses of the House of Commons, to present to your Lordships a great and crying Grievance;

(s) The following is taken from a Manuscript in the *Harleian Library*. There is a Copy of it in *Rushworth*, but very incorrect; and another in *Nelson*, infinitely more so.

vance; which, though it be complained of, in the present Pressures, but by the *Northern* Parts, yet, by the Consequence of it, is the Grievance of the whole Kingdom: The *Court* of the *President* and *Council* of the *North*, or, as it is more usually called, the *Court* of *York*; which, by the Spirit and Ambition of the Ministers trusted there, or by the natural Inclinations of Courts to enlarge their own Power and Jurisdiction, hath so prodigiously broken down the Banks of its first Channel, in which it ran; that it hath almost overwhelmed that Country under the Sea of Arbitrary Power, and involved the People in a Labyrinth of Distemper, Oppression, and Poverty.

Your Lordships will give me Leave (not presuming to inform your great Understandings; but that you may know what moved the House of Commons to their Resolutions) to remind your Lordships of the Foundation and Erecting of this Court, and of the Progress and Growth of it.

Your Lordships well know, that, upon the Suppression of all Religious Houses to such a certain Value, in the 27th Year of *Henry VIII.* from that Time to the 30th Year of that King's Reign, many, not fewer than six, Insurrections and Rebellions were made in the *Northern* Parts, under Pretence of that Quarrel; most of them under the Command of some eminent Person of that Country; the which being quieted before the End of the 31st Year, that great King (well knowing his own Mind, and what he meant to do with the great Houses of Religion in the Year following) for the Prevention of any Inconvenience that might ensue to him upon such Distemper, did, in the 31st Year of his Reign, grant a Commission to the Bishop of *Blandaff* (†), the first President, and others, for the quiet Government of the Counties of *York*, *Northumberland*, *Cumberland*, and *Westmoreland*, the Bishoprick of *Durham*, the County of the City of *York*, and Towns of *Kingston upon Hull*.

P 2

(†) Robert Holgate, translated to *York* in 1545. He was deprived by Queen Mary, An. Reg. 1.

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Hull, and Newcastle upon Tyne. But, my Lords, this Commission was no other than a Commission of *Oyer and Terminer*; only it had a Clause, at the End of it, for the hearing of all Causes real and personal, *quando ambæ Partes, vel altera Pars sit gravata Paupertate fuerit, quod commode Jus suum, secundum Legem Regni nostri, aliter persequi non possit*; which Clause, how illegal soever, (for that it is illegal and void in Law little Doubt can be made) yet whether they exercised that Part of the Commission at all, or so sparingly exercised it, that poor People found Ease and Benefit by it, I know not; but, at that Time, I find no Complaint against it. 'Till the coming in of King *James* the Commission continued still the same; and that, in the 1st Year of his Reign, to the Lord *Sheffield*, varied no otherwise from the former, save only that it had Reference to *Instructions* which should be sent; though whether any new ones were sent or not is uncertain, but we can find none.

'In *June*, in the 7th Year of the Reign of King *James*, a new Commission was granted to the same Person, the Lord *Sheffield*, very different from all that went before; it being left out, that they should inquire *per Sacramentum honorum & legalium Hominum*, and to hear and determine *secundum Leges Angliæ*; Relation being had, only, to the *Instructions*; which were the first *Instructions* we can find were sent thither. Though I told your Lordships there was Mention of some Anno 1. *Jac.* I shall not trouble your Lordships with these *Instructions*, nor with the other that followed in 7. *Jac.* to the Lord *Sheffield*; nor in 16. *Jac.* when a new Commission was granted to my Lord *Sunderland*; nor, indeed, with any till we come to these present *Instructions* and *Commissions*, under which that Part of the Kingdom groans and languisheth.

'My Lord *Strafford* came to that Government in *December*, 4. *Caroli*; and since then the Commission hath been three several Times renewed; in the 5th Year, in *March*; in the 8th, in *November*; and in the 13th Year of his Majesty's Reign.

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A new Clause was screw'd into the Commissions of An. 27. Car. I. 1641.
the 8th and 13th, for granting, sequestering, and establishing Possessions according to certain *Instructions*; which crowded in a Mass of new, exorbitant and intolerable Power. Though our Complaint be against this *Commission* itself, and against the whole Body of those *Instructions*, I shall not mispend your Lordships precious Time in desiring to have the whole read; but shall presume to trouble your Lordships only with five or six of the *Instructions*; that, by the vast Irregularity of these, your Lordships may judge how insupportable the whole Burthen is. I shall not trouble your Lordships with the 9th *Instruction*, though it be but short, which introduceth that *miseram Servitutem, ubi Jus est vagum, & incognitum*; by requiring an Obedience to such Ordinances and Determinations, as be, or shall be, made by the Council-Table or High-Commission-Court. A Grievance, my Lords, (howsoever *Consuetudo & Peccantium Claritas nobilitaverit hanc Culpam*) of so transcendent a Nature, that your Lordships Noble Justice will provide a Remedy for it; with no less Care, I doubt not, than you would rescue the Life-Blood of the Commonwealth.

• Read only the 19th, 22d, 23d, 24th, 29th, and 30th: I will not trouble your Lordships with reading more; there being among them, in the whole, fifty-eight *Instructions*, scarce one that is not against, or beside, the Law.

• Whether his Majesty may canton out a Part of his Kingdom to be tried by Commission, tho' according to the Rules of Law, (since the whole Kingdom is under the Laws and Government of the Courts established at *Westminster*, and that, by this Reason, the several Parts of the Kingdom may be deprived of that Privilege) will not now be the Question. That his Majesty cannot, by Commission, erect a new Court of *Chancery*, or a Proceeding according to the Rules of the *Star-Chamber*, is most clear to all who have read *Magna Char-*

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ta; which allows no Proceedings, *nisi per legale Judicium Parium, & per Legem Terræ*: For our Court of Chancery here, by long Usage and Prescription, is grown to be, as it were, *Lex Terræ*. But, my Lords, the 20th Instruction goes further, and erects such an Empire, such a Dominion, as shall be liable to no Controul.

'The Courts of *Westminster*, my Lords, have Superintendencies over all inferior Courts, to regulate their Jurisdictions, if they exceed their Limits; as, to hold Pleas of greater Value, or the like, in the Exercise of their Jurisdiction. The Judges are sworn to grant and send Prohibitions in this Case: And to stop the granting of these Prohibitions, or to neglect them when they are granted, is the greatest and boldest Scorn of the Law and the Law-makers, that can be imagined.

'The King's Courts at *Westminster* have been, always, of that awful and reverent Esteem with inferior Judges, that the Instances of such Contempts against them are very rare; and very exemplary are the Punishments of this Offence.

'The Bishop of *Norwich* (u), in *Trinity Term*, in the 20th Year of *Edward III.* in *Rot.* 289, in the *Common-Pleas*; and, in *Hilary Term* 21. in the *King's-Bench*, was attached for disobeying a *Prohibition* at the Suit of *Stracil*. Upon full and solemn Discussion of the whole Matter, the Court resolved, That the Proceedings of the Bishop were *Inobedientiam, Diminutionem Domini Regis & Potestatis Regiæ, Authoritatis suæ Rejectionem, & Coronæ suæ Exhereditationem manifestam, &c.* as the Words of the Record are: And therefore adjudged the Temporalities of the Bishop to be seized into the King's Hands, and great, very great, Damages to be paid to the Plaintiffs. And whosoever gave Directions for these stout Instructions might have remembered, that no longer since than *Michaelmas*, in the 7th Year of *Elizabeth*, *Rot.* 31. an

At-

(u) *William Bateman*, who was appointed to this See by *Papal* Provision, and was consecrated by the *Pope* himself. He died at *Avignon*, Jan. 6. 1354.

Attachment was granted against the Archbishop of An. 17. Car. I.
York (*), then *President* of that *Council*, for forbid- 1641.
 ding the Goaler of *York* to deliver one *Lambert* his
 Prisoner, who was sent for by a *Habeas Corpus* from
 the *King's-Bench*. And if they would have belie-
 ved the Resolution of all the Judges in *England*, in
Trinity Term, in the 6th Year of King *James*, they
 would have known how unfit it had been to enlarge
 that Jurisdiction; since most of their Proceedings,
 being of an inferior Nature to what they are now
 grown, were then declared to be illegal, and incon-
 sistent with the Liberty of the Subject.

‘ And can such a Court as this, my Lords, de-
 serve to live? What a compendious Abridgment
 hath *York* gotten of all the Courts in *Westminster-
 Hall*? Whatsoever falls within the Cognizance, or
 Jurisdiction, of any Court there, is compleatly de-
 terminable within that one Court at *York*; besides
 the Power it hath with the Ecclesiastical and High-
 Commission Courts.

‘ What have the good *Northern* People done,
 that they, only, must be disfranchised of all their
 Privileges granted by *Magna Charta* and the *Pet-
 ition of Right*? For to what Purpose serve these
 Statutes, if they may be fined and imprisoned with-
 out Law, according to the Discretion of the Com-
 missioners? What have they done, that they, and
 they alone, of all the People of this happy Island,
 must be disinherited of their Birth-right, of their
 Inheritance? For *Prohibitions*, Writs of *Habeas
 Corpus*, and Writs of *Error* are the Birth-right,
 the Inheritance of the Subjects.

‘ And ’tis here worth your Lordships Observa-
 tion, that to those many *Prohibitions*, which have
 been formerly granted from above, (for, till of late,
 the Court of *York* had not the Courage to oppose
Prohibitions; nor indeed, till our Courts, here, had
 not the Courage to grant them) it was never known
 that the Court of *York* pleaded the Jurisdiction of
 their Council. This, without doubt, they would have
 done

(*) *Thomas Young*. He succeeded Archbishop *Heath*, who was
 depriv'd, Anno 1. *Elizabeth*.

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I. done, having the Advantage of many great Persons, under whose Protection they have always been screen'd, had they not known that the Law could not be misinterpreted enough to allow it.

* Your Lordships remember the Directions I mentioned of *Magna Charta*, That all Proceedings shall be *per legale Judicium Parium, & per Legem Terræ*: Now these *Instructions* tell you, *You shall proceed according to your Discretion*; that is, You shall do what you please: Only, that we may not suspect this *Discretion* will be gentler and kinder to us than the Law, special Provision is made, That no Fine, no Punishment, shall be less than by the Law is appointed; no, by no Means; but as much greater as your *Discretion* shall think fit: And, indeed, in this Improvement, we find Arbitrary Courts are very pregnant; for if the Law requires my good Behaviour, this *Discretion* makes me close Prisoner; if the Law sets me upon the Pillory, this *Discretion* appoints me to leave my Ears there.

* But this Proceeding, according to *Discretion*, is no new Expression; it was in the first Commission I told your Lordships of in the 31. Henry VIII. That they should proceed, *secundum Legem & Consuetudinem Regni Angliæ; vel aliter, secundum sanas Discretionem vestras*; which, in the Interpretation of the Law, and that is the best Interpretation, signifies the same Thing: For to proceed according to *Discretion*, is to proceed according to Law, which is *Summa Discretio*; but not according to their private Conceit or Affection: For *talis Discretio*, says the Law, *Discretionem confundit*; and such a Confusion hath this *Discretion*, in these *Instructions*, produced, as if *Discretion* were only one Remove from Rage and Fury; no Inconvenience, no Mischief, no Disgrace, that the Malice, or Insolence, or Curiosity of these Commissioners had a Mind to bring upon that People, but, through the Latitude and Power of this *Discretion*, the poor People have felt. This *Discretion* hath been the Quick-sand, which hath swallowed up their Property, their Liberty. I be-
seech

seech your Lordships rescue them from this *Dis-* An. 17. Car. I.
cretion. 1641.

‘ Besides the Charge that this Court is to his Majesty, which is near 1300 l. *per Annum*, your Lordships will easily guess what an unsupportable Burthen the many Officers (whose Places are of great Value) the Attornies, Clerks, Registers, and above 1000 Sollicitors that attend the Courts, must be to that People; insomuch that, in Truth, the Country seems to be divided into Officers and Dependents upon that Court, and the People upon whom the Officers of that Court prey and commit Rapines; as is said in *Petronius*, *Omnes hic aut captantur, aut captant; aut Cadavera quæ lacerantur, aut Corvi qui lacerant.* Truly, my Lords, these vexed, worn-out People of the *North* are not Suitors to your Lordships, to regulate this Court, or to reform the Judges of it, but for extirpating these Judges, and the utter abolishing of this Court: They are of *Cato’s* Mind, who would not submit to *Cæsar* for his Life, saying, *He would not be beholden to a Tyrant for Injustice, for it was Injustice in him to take upon him to save a Man’s Life, over whom he had no Power.*

‘ So these Gentlemen desire not to be beholden to this Court, hereafter, for Justice; the very Administration of Justice itself, founded upon such illegal Principles, being a Grievance and Oppression to the Subject.

First, Upon the whole Matter, the House of Commons are of Opinion, That the *Commission* and *Instructions*, whereby the *President* and *Council* of the *North* exercise Jurisdiction, is illegal, both in the Creation and Execution.

Secondly, That it is unprofitable to his Majesty; for besides so much, near thirteen hundred Pounds taken out of his Majesty’s Revenues every Year; his Majesty loseth the great Benefit which would accrue to him upon Writs and upon Fines, upon Out-laws, and other Profits, which redound to his Majesty out of his Courts here: And (which I had

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almost forgot to tell your Lordships of) that his Majesty may be sure to have no Benefit from this Court, notable Care is taken, by the fifty-third *Instruction*, That if any Money remain over and above all Disbursements, it shall be bestowed in providing Household-stuff and Furniture for the House, where the *Lord President* and *Council* use to be.

‘*Lastly*, That it is inconvenient and grievous to his Majesty’s Subjects in these Parts.

‘Therefore, they are humble Suitors to your Lordships, and the House of Commons, on this Behalf, That since this People do, and have, in all Matters of Duty and Affection, contended with the best of his Majesty’s Subjects, that they may not be distinguished from them in the Manner of his Majesty’s Justice and Protection: And since this Court, originally instituted, and continued by his Majesty, for the Ease and Benefit of his poorer Subjects, is apparently perverted to the Burthen and Discomfort of them; that your Lordships will join with the House of Commons in beseeching his Majesty, That the present *Commission* may be revoked, and no more such granted for the future.’

Lord *Clarendon* (y) tells us, ‘That this Speech and Argument of Mr. *Hyde*’s [*for when he speaks of himself he always does it in the third Person*] met with good Approbation in both Houses; where he got great Credit by it:—And that the House of Peers fully concurred with the Commons in their Vote. So that there was not, in many Years after, any Attempt, or so much as Mention of another *Commission*.’

Great Offence was taken by the House, at Words spoken by Mr. *Gervaise Hollis*, in a Speech concerning the *Scots* Propositions; *That some of them were dishonourable; and that this House had not only entertained them Half-way, but had embraced them.*

(y) History of the Rebellion, &c. Fol. Edit. Vol. I. p. 188, &c.

them. Mr. Hollis was first heard to explain him-
self, and then commanded to withdraw.

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The Speech, at large, was as follows:

Mr. Speaker,

I Have, with much Difficulty, persuaded myself
to offer any thing. My Stock is little to this
Reckoning; yet, since I have adventured to rise,
I shall take the Liberty, with your Favours, to
deliver myself freely. I have a blunt Way in speak-
ing my Heart. It may be, peradventure, a Folly in
me; but it is a Folly I love so well I will not part
with it.

Mr. Gervaise
Hollis's Speech
against the Trea-
ty with the Scots.

Sir, we are now upon the 5th Article of the
Scots; which, as it was expressed by a Noble Lord
at the Conference, is a very pregnant and teeming
Article: It hath produced many other; and they
such as I must confess and affirm, whatsoever Fu-
cus or Artifice they be slighted over with, I do not
like their Countenance: They may well be our
younger Brother of Scotland; but, like Jacob, they
seem to me as if they had an Aim to supplant us,
and take away our Birth-Right.

Sir, there is no Man that hath a more charitable
Construction of Intentions than I had, whilst they
made their Addresses in humble Distance, as besit-
ted Subjects to their Sovereign. Whilst they bound-
ed their Desires within the due Limits of their an-
tient Liberties, and seemed to wish nothing but the
just Freedom of Subjects and Christians in their
Laws and Consciences, my Heart went along with
them, and I wished them Satisfaction: But now,
Sir, when I see them swell in their Demands be-
yond all Proportion; when I hear them enlarge
upon their first Propositions, and require Things
unfit for a King to grant, and dishonourable for
this Nation to suffer, I cannot but fix a Mark of
Danger upon them. I fear we have nourished in
in our Bosoms those that will sting us to Death.

Here being interrupted, yet the House commanding
him to go on, he proceeded:

Sir,

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‘ Sir, I am sorry for this Interruption; much more sorry if I have given a Cause for it, for the Clearness of my own Thoughts acquit me. I brought no Intentions here but such as were full of Fidelity and Zeal for the Service of this House and my Country, and shall always do so: And now, if you please to command me to express myself like an *Englishman*, and an honest Man, I shall proceed; otherwise I shall testify my Obedience by my Silence.’

Then he was commanded to proceed, which he did as followeth:

‘ The Miseries and Calamities, which this poor Kingdom hath thus long suffered, have hung like Weights upon my Soul, and I have groaned under the Oppression; for it was a great one: But these, as they call them, *Propositions*, I must call them *Commands*; and I fear they will prove so. They threaten yet more; it is to unman us quite, and leave us in a Condition of all others the most despicable: For these appear to me like the Demands of *Naash* to the Men of *Jabesh*, putting out our right Eyes.

‘ Sir, our Ancestors have not been acquainted with so much Tameness, as to hear of such Demands at a Distance; and it cannot but trouble me, that we should not only meet them at the Half-way, but embrace the Bearers.

‘ Sir, we are the Offspring of those Ancestors; their Blood runs in our Veins, and I hope, as yet, it is not all turn’d to Water. There are Spirits of Life and Activity in us, and these will revive and speak plain *English* to us, whatever Damp or Apoplexy this Spirit of Slumber hath cast upon us; and I hope we shall either yet live with Honour, or take our honourable Farewell, and so be honest and gallant Men: Betwixt these two there is not much Difference.

‘ Therefore, Sir, my humble Motion is this, That such of the *Propositions* may be committed to a select Committee to consider of, as carry Reason and Modesty with them; that such may be presented here

here as are fitting to be granted, and that those which are of another Insinuation may be rejected: And if a firm Peace may be had upon honest and honourable Terms, I will cherish the Thoughts of it; if not, there are but two Ways left worthy the Entertainment of this Nation; that is, to stand or fall with Honour.

‘God, I hope, and our *English* Virtues, will secure the first; if otherwise, he is neither worthy of Life nor Memory, that shall not bury himself in the Ruins of his Country.’

Mr. *Hollis* being withdrawn, it was resolved, upon the Question, 1. ‘That Mr. *Gervaise Hollis* shall be called to the Bar, for the Offence he hath given this House, by Words spoken by him this Day.

2. ‘That the said Mr. *Hollis* shall be forthwith suspended this House, during this Session of Parliament.’

He was, accordingly, called to the Bar, and the Speaker pronounced the Sentence upon him.

This Censure of the House makes us recall a Passage which happened at the Beginning of this Session, when a Petition from *Northumberland*, complaining, grievously, of the *Scots* Depredations in that County, was read in the House: Sir *William Widdrington*, one of the Knights of that Shire, speaking in favour of the Petition, called the *Scots*, *Invading Rebels*; at which, Distaste being taken, he was called upon to explain himself. Sir *William*, standing up in his Place, to speak by way of Explanation, Captain *Charles Price* spoke before him, and told the House, ‘That he hoped they would give Losers Leave to speak, with all the favourable Construction that one Member ought to give another, for Sir *William*’s whole Estate was under the Power of the *Scots*.’ And Sir *William* declaring, ‘That he knew the *Scots* to be the King’s Subjects, and would no more call them *Rebels*,’ the House rested satisfied with this Explanation.

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1641.

A Bill for fining
the Members of
the late Convo-
cation.

April 27. The Commons resuming the Consideration of their former Votes, concerning the Convocation, and the Canons made by them, which the House had declared to be against the Right of Parliament and Property of the Subject, ordered a Bill to be brought in *For punishing and fining of the Members of the late Convocation of the Provinces of Canterbury and York*; which was this Day read a second Time, and committed. No Notice is taken of the Report of this Committee in their *Journals*; but Mr. *Rushworth* informs us, 'That when the Committee met upon the same, they passed several Votes as to Fines to be imposed upon them.' He then proceeds to give a List of the Members of the Convocation, with the respective Sums assessed; but there being a great Number of Blanks therein, we think it sufficient to take Notice of the principal Dignitaries only; as the Archbishop of *Canterbury*, 20,000*l.* the Bishops of *London* and *Ely*, 10,000*l.* each; *Bath* and *Wells*, *Worcester*, *Litchfield* and *Coventry*, *Salisbury*, *Norwich*, *Chichester*, 5000*l.* each; *Hereford* and *St. David's*, 3000*l.* each; *Gloucester*, 2000*l.* *Peterborough*, *Bristol*, *Oxford*, *Bangor*, and *Llandaff*, 1000*l.* each:—The Dean of *Exeter*, 2000*l.* of *Canterbury*, *Winchester* (a), *Worcester*, *Salisbury*, *Bath* and *Wells*, *Christ-Church Oxford*, *Hereford*, *Ely*, *Chichester*, *Lincoln*, *Westminster*, and *Windsor*, 1000*l.* each; *Gloucester*, *Norwich*, *Bristol*, *Rocheſter*, *Peterborough*, *St. David's*, *Bangor*, and *St. Asaph*, 500*l.* each. All the Bishops of the Province of *York* are omitted; as are the Deans also, except *Durham*, who was fined 2000*l.*

In the Draught of this Bill it was farther specified, That the several Fines shall be paid to the Earls therein named, or any four or more of them, to the Use hereafter named:—And if the Fines be unpaid, That it shall be then lawful for those Lords to receive all the Rents and Profits belonging to any of the Archbishops or Bishops, Deans or Archdeacons, till all be paid in:—That a Place be

(a) In *Rushworth*, it is only said, *Dr. Young*, 1000*l.* but he was at that Time Dean of *Winchester*.

be appointed in *London*, where this Money shall be paid in:—To allow a Salary for Attendance of Persons employed:—Any four of those Earls to call before them the Auditors of any of the Clergy that are so charged, to know the true Value of any Rents belonging unto them:—And the said Money so received to be disbursed for the Relief of the King's Army and *Northern* Parts, or to such Uses as, by Parliament, shall be declared (b).

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1647.

The same Day both Houses agreed to wait upon his Majesty with their Petition, about disbanding of the new *Irish* Army, &c. the next Day, at Two in the Afternoon, the Time the King himself had appointed.

The Earl of *Bath* reported the Conference had with the Commons about the *Northern* Court. After repeating what had been said at it, and reading the Resolutions that had passed the other House, concerning the Legality of that Jurisdiction, the Lords ordered, 'That the Cause concerning this Court should be publickly heard at the Bar of their House on the 25th of *May* next. The King's Counsel of the *North* to have Notice of this, to be heard if they desire it; and afterwards the King's Counsel here, if it be needful.'

April 28. A Committee having been appointed to consider about desiring the Lords to join with the Commons, in a Petition to the King for a *Fast*; this Day Mr. *Rouse* reported the Motives, conceived by them, on this Occasion.

Resolved, 'That these Propositions, following, shall be the Heads of a Conference to be desired with the Lords concerning a *public Fast*.

1. 'That, notwithstanding our former Humiliation, many Dangers and Fears yet remain.

The Commons
Reasons for a
Conference with
the Lords about
2. a Fast.

(b) The Author of the *Diurnal Occurrences* of this Parliament, adds to this List the Archbishop of *York*, 10,000*l.* and the Bishop of *Chester*, 3000*l.* and says, That the Fines of the whole Convocation amounted to 200,000*l.*—Dr. *Nisson* observes hereupon, That if the Fines upon all the Members were in proportion to these, they must amount to more than the Value of their whole Estates.

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2. 'Small Progress in Affairs of Church or Common-Wealth, after long and laborious Endeavours.

3. 'The Multitude of Evils both in Church and Common-Wealth, generally complained of, which require a great and general Humiliation.

4. 'The Averting of God's Judgments justly due to us, and particularly threatened in a contagious Sickness now begun amongst us.

5. 'The obtaining of good Success in the Reformation of the Church, now generally desired and expected.

6. 'A happy and settled Peace and Unity between the two Kingdoms.

7. 'God's Blessing and Direction of his Majesty and the whole Parliament, in the great Affairs of Church and Common-Wealth.'

Ordered, 'That Sir *Thomas Barrington* go up to the Lords, to desire a Conference on this *Fest*, and that Mr. *Rouse* shall manage it.'

Immediately after this the Commons ordered, 'That Mr. Solicitor *St. John* should have Power to send for such Records, as he should think needful to the Service committed to him, for maintaining a Point of Law in the Case of the Earl of *Strafford*.'

Mr. *Hyde* was also sent up to the Lords with a Message: 'To acquaint their Lordships that this House had received such Information, as hath caused them to fear that the Earl of *Strafford* may have a Design to escape; that he has Ships at Sea at Command; and that the Guard about him is weak:

The Earl of
Strafford ordered
to be kept close
Prisoner.

Therefore to desire their Lordships he may be close confined, and his Guard strengthened.' Mr. *Hyde* brought Answer, 'That their Lordships had before given Directions to the Lieutenant of the *Tower*, that he should be a close Prisoner, and to take Care for a strong Guard; but that they would repeat their Directions about it.'

April 29. This Day was wholly taken up with hearing the Point of Law discussed, in *Westminster-Hall*, relating to the Earl of *Strafford*. And, on the

the next, the Commons ordered, ' That the Solli-
citor should bring in a perfect Copy of his Argu-
ment used on that Occasion; and likewise that Mr.
Pymme give in Copies of his Speeches, made by
him in *Westminster-Hall*, both at the Beginning
and the latter End of the Trial of the Earl of *Straf-*
ford.

April 30. The Speaker of the House of Com-
mons reported his Majesty's Speech to both Houses
in *Whitehall*, on the presenting the Petition against
Recusants, &c.

My Lords and Gentlemen,

HAVING considered your three Desires, I give you
this short and clear Answer:

1. Concerning the Removal of Papists from Court; The King's An-
swer to the Pe-
tition about Re-
cusants, the Irish
Army, &c.
I am confident you know very well what legal Trust
the Crown hath in this Particular: Therefore I shall
only need to assure you, that I shall govern it so, that
there shall be no just Cause of Scandal.

2. I am contented that the Papists be disarmed ac-
cording to Law.

3. For the Irish Army; you must understand that
I am already upon the disbanding of them; but find
many Difficulties in the Way of doing it: Therefore
it is not only requisite to wish it, but to shew the Way
how it shall be done; [therefore, in this, I shall not be
unwilling to have your Advice and Assistance] (a).

But this is not all that I desire; for I do wish that
the same Peace and Tranquility be restored in my Do-
minions, which my Father, of happy Memory, left
me: And, to that End, I desire you, according to that
Duty which you owe to God and your Country, that you

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(a) This Passage is omitted in *Rushworth*, but supplied from
the *Journals*: The rest of the Speech differs much.

Dr. *Nalson* tells us, ' That this Speech was represented in pub-
lic, by the *Prints*, so different from his Majesty's Words and Sense,
as if they had a Design to prepare the Minds of the Nation for the
Belief of that Plot, of a Design to bring up the Armies to *London*,
and to bring over the *Irish Army*. And, accordingly, we find in the
Diurnal Occurrences, before quoted, the above Passage inverted thus,
As for the *Irish Army* He [the King] had enter'd into Consultation
about it; but could not, yet, well disband it, for divers Reasons best
known to himself.

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Ad. 17. Car. I. concur with me for the speedy disbanding of the two other Armies that are in England; to which End there are two Things necessary, Money, and the Conclusion of the Scots Treaty.

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I am sure you are Masters of the one, and, with me, you are Judges of the other; this being a fitting Time for me to put you in mind of it, because you have now all the Treaty before you; assuring you, that none of you shall shew more Industry and Willingness, for the settling of all Things, in a peaceable Way, than myself.

A cotemporary Writer tells us (b), 'That this Afternoon the Commons called over their House, to see who were absent, and had not given their Votes concerning the Bill of *Attainder*.' But this Circumstance, not being taken Notice of in the *Journals*, rests upon his single Authority.

The Commons pass a Bill for restraining Bishops, &c. from intermeddling with Secular Affairs.

May 1. A Bill, *To restrain Bishops, and others in Holy Orders, from intermeddling with Secular Affairs*, passed the House of Commons, and was sent up to the Lords by Mr. Goodwin; where it was read a first Time: Upon this Occasion the Bishop of Exeter, Dr. Joseph Hall, spoke as follows (c):

My Lords,

Bp. Hall's Speech against it in the House of Lords.

THIS is the strangest Bill that ever I heard since I was admitted to sit under this Roof; for it strikes at the very Fabrick and Composition of this House, at the Stile of all Laws; and therefore, were it not for that it comes from such a Recommendation, it would not, I suppose, undergo any long Consideration; but coming to us from such Hands, it cannot but be worthy of your best Thoughts: And truly, for the main Scope of the Bill, I shall yield to it most willingly, 'That Ecclesiastical and Sacred Persons should not ordinarily be taken up with Secular Affairs'

'The Minister is call'd *Vir Dei*, a Man of God: He may not be *Vir Sæculi*; he may lend himself to them

(b) *Diurnal Occurrences*, p. 89.

(c) From the Edition of his Works, Fol. 1683. It is not in any of the Collections of the Times.

them upon Occasion, but not give himself over purposely to them: In short, he may not so attend Worldly Things, as that he do neglect Divine Things: This we gladly yield. Matters of Justice therefore are not proper, as in an ordinary Trade, for our Function; and, by my Consent, shall be, in general, wav'd and deserted; which, for my Part, I never had meddled with but in a charitable Way, with no Profit, but some Charge, to myself; whereof I shall be glad to be eased:

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Traſent fabrilis Fabri.

* But for any Man hence to infer, That some Spiritual Person may not, occasionally, be in a special Service of his King or Country; and, when he is so requir'd by his Prince, give his Advice in the urgent Affairs of the Kingdom (which, I suppose, is the main Point driven at) is such an Inconsequence, as, I dare boldly say, cannot be made good, either by Divinity or Reason, by the Laws either of God or Man; whereas the contrary may be proved and enforced by both.

* As for the Grounds of this Bill, 'That the Minister's Duty is so great, that it is able to take up the whole Man; and the Apostle saith, 'tis *inav@*, Who is sufficient for these Things? and that he who warfares to God, should not entangle himself with this World; it is a sufficient and just Conviction of those who would divide themselves betwixt God and the World, and bestow the main Part of their Time upon Secular Affairs: But it hath no Operation at all upon this Tenet which we have in hand, That a Man, dedicated to God, may not so much as, when he is requir'd, cast a Glance of his Eye, or some Minutes of Time, or some Motions of his Tongue, upon the Public Business of his King and Country.

* Those that expect this from us, may as well, and upon the same Reason, hold, That a Minister must have no Family at all, or, if he have one, must not care for it; yea, that he must have no Body to tend, but be all Spirit. My Lords, we are Men of the same Composition with others, and

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1641.

our Breeding hath been accordingly ; we cannot have liv'd in the World, but we have seen it, and observed it too ; and our long Experience and Conversation, both with Men and Books, cannot but have put something into us for the Good of others : And now having a double Capacity, *quasi Civis, quasi Ecclesiastici* ; as Members of the Common-wealth, as Ministers and Governors of the Church, we are ready to do our best Service in both : One of them is no way incompatible with the other ; yea, the Subjects of them both are so united with the Church and Common-wealth, that they cannot be sever'd ; yea so, as that not the one is in the other, but one is the other, is both : So as the Services which we do, upon these Occasions, to the Common-wealth, are inseparable from our good Offices to the Church : So as, upon this Ground, there is no Reason of our Exclusion.

‘ If ye say, That our Sitting in Parliament takes up much Time which we might have employ’d in our Studies or Pulpits ; consider, I beseech you, That whilst you have a Parliament, we must have a Convocation ; and that our Attendance upon that will call for the same Expence of Time, which we afford to this Service ; so as, herein, we have neither got nor lost.

‘ But I fear it is not, on some Hands, the tender Regard of the full Scope to our Calling that is so much here stood upon, as the Conceit of too much Honour that is done us, in taking up the Room of Peers, and voting in this High Court ; for surely those that are averse from our Votes, yet could be content we should have Place upon the Wool-sacks, and could allow us Ears, but not Tongues. If this be the Matter, I beseech your Lordships to consider that this Honour is not done to us, but to our Profession ; which, whatever we be in our several Persons, cannot easily be capable of too much Respect from your Lordships, *Non tibi sed Isidi* :—

Neither is this any new Grace that is put upon our Calling, (which, if it were now to begin, might perhaps be justly grudged to our personal Unworthiness)

worthiness) but is an antient Right and Inheritance, An. 17. Car. I.
inherent in our Station; no less antient than these 1641.
Walls wherein we sit; yea, more.

‘ Before ever there were Parliaments, in the *Magna Consilia* of the Kingdom we had our Places; and as for my Predecessors, ever since the Conqueror’s Time, I can shew your Lordships a just Catalogue of them that have sat before me here; and truly, tho’ I have just Cause to be mean in my own Eyes, yet why, or wherein, there should be more Unworthiness in me than the rest, that I should be stripp’d of that Privilege which they so long enjoy’d, tho’ there were no Law to hold me here, I cannot see, or confess.

‘ What Respects of Honour have been put upon the prime Clergy of old, both by *Pagans*, and *Jews*, and *Christians*, and what are still, both within Christendom and without, I shall not need to urge; it is enough to say, This of ours is not merely arbitrary; but stands so firmly established by Law and Custom, that I hope it neither will, nor can be removed, except you will shake those Foundations, which, I believe, you desire to hold firm and inviolable.

‘ In short then, my Lords, the Church craves no new Honour from you, and justly hopes you will not be guilty of pulling down the old: As you are the Eldest Sons, and, next under his Majesty, the Honourable Patrons of the Church, so she expects and beseeches you to receive her into your tenderest Care; so to order her Affairs, that ye leave her to Posterity in no worse Case than you found her. It is a true Word of *Damasus*, *Uti vilescit Nomen Episcopi, omnis Statua perturbatur Ecclesie*: If this be suffered, the Misery will be the Church’s; the Dishonour and the Blur of the Act, in future Ages, will be yours.

‘ To shut up therefore. Let us be taken off from all ordinary Trade of Secular Employments, and, if you please, abridge us of intermeddling with Matters of common Justice; but leave us possessed of those Places and Privileges in Parliament, which

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An. 17. Car. I. our Predecessors have, so long and peaceably,
1641. enjoyed.

This Day, also, the King came to the House of Peers; and, being seated on the Throne, he commanded the House of Commons to be sent for, and then spoke to both Houses as follows (d):

My Lords and Gentlemen,

The King's
Speech in Favour
of the Earl of
Strafford.

I Had not any Intention to speak of this Business, which causes me to come here To-day, which is the Impeachment of the Earl of Strafford, because I would do nothing that might hinder your Occasions; but now as it comes to pass, that, of Necessity, I must have Part in that Judgment, I think it most necessary for me to declare my Conscience therein. I am sure you all know that I have been present at the Hearing of this great Business, from one End to the other; that which I have to declare unto you is shortly this, That, in my Conscience, I cannot condemn him of High Treason.

It is not fit for me to argue the Business: I am sure you will not expect it: A positive Doctrine best becomes the Mouth of a Prince. Yet I must tell you three great Truths, which I am sure Nobody can know so well as myself: 1. That I never had any Intention of bringing over the Irish Army into England, nor ever was advised by any Body so to do. 2. There never was any Debate before me, neither in public Council, nor at private Committee, of the Disloyalty and Disaffection of my English Subjects; nor ever had I any Suspicion of them. 3. I was never counselled by any to alter the least of any of the Laws of England, much less to alter all the Laws: Nay, I must tell you this, I think Nobody durst ever be so impudent as to move it to me; for if they had, I should have put such a Mark upon them, and made them such an Example, that all Posterity should know my Intention by it; for my Intention was ever to govern according to Law, and not otherwise.

(d) From the *Lords Journals*:—The Copy of it in *Rushworth*, *Nasson*, and *Saunderson*, vary from this, and from each other.

I desire to be rightly understood: I told you, in my An. 17. Car. 1. 1641. Conscience, I cannot condemn him of High Treason; yet I cannot say I can clear him of Misdemeanor: Therefore I hope that you may find a Way, for to satisfy Justice and your own Fears, and not to press upon my Conscience.

My Lords, I hope you know what a tender Thing Conscience is. Yet I must declare unto you, That, to satisfy my People, I would do great Matters: But, in this of Conscience, no Fear, no Respect whatsoever, shall ever make me go against it. Certainly I have not so ill deserved of the Parliament at this Time, that they should press me in this tender Point; and therefore I cannot expect that you will go about it.

Nay, I must confess, for Matter of Misdemeanor, I am so clear in that, that though I will not chalk out the Way, yet let me tell you, that I do think my Lord Strafford is not fit, hereafter, either to serve me or the Common-Wealth in any Place of Trust; no not so much as that of a Constable: Therefore I leave it to you, my Lords, to find some such Way as to bring me out of this great Strait, and keep yourselves and the Kingdom from such Inconveniences. Certainly he that, in his Conscience, thinks him guilty of High Treason, may condemn him of Misdemeanor.

May 3. Both Houses being adjourned to this Day, on account of Sunday (g) intervening, we are told by a Collector of these Times, 'That, very early in the Morning, there met, about Westminster-Hall, a great Number of Citizens, 5000, or thereabouts, being, for the most part, Men of good Fashion (h); who, as the Lords and Parliament-Men came by, made a Lane for them to pass with their Coaches, calling

Great Tumulta
about Westminster-Hall.

(g) This Day the Marriage of the Prince of Orange with the Lady Mary, the King's Daughter, was celebrated with great Solemnity.

(h) Whitlocke calls them a Rabble of about 6000 out of the City, who came thronging down to Westminster, armed with Swords, Cudgels, and Staves; and imputes this Tumult to the Pulpits, from some of which had been preached to the People, the Day before, the Necessity of Justice upon some great Delinquents now to be acted.

Memorials, p. 43.

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An. 17. Car. 1. calling upon them for *Justice* against the Earl of *Strafford* and others; complaining, that they were undone thro' the Want of due Execution thereof; and that Trading was so decayed thereby, that they could scarce get Bread to maintain their Families.

'The Lords, adds our Author, generally gave them good Words; amongst whom, the Lord High Steward (*i*), upon whom they called with greatest Clamour, went out of his Coach, some other of the Lords being with him, and, with his Hat in his Hand, prayed them to be quiet, and what lay in his Power should be done; and he would likewise move his Majesty, that Justice might be executed according to their Requests: And accordingly, the Lord High Steward, and some other Lords, went to the King, (who purposed to be at the House that Morning, his Barge waiting at the Privy-Stairs for that End, but, by reason of the Tumult, did not come) and acquainted him with the Citizens Complaints and Desires, moving his Majesty therein: And, upon their Return, certified the Citizens, that his Majesty had promised they should have speedy Execution of Justice to their Desires.'

Dr. *Nelson* informs us, 'That when the Earl of *Holland* came out to take Coach, they redoubled their Cry; and, coming up to the Earl of *Bristol's* Coach, some of them told him, *For you, my Lord of Bristol, we know you are an Apostate from the Cause of Christ, and our mortal Enemy; we do not therefore crave Justice from you, but shall shortly crave Justice upon you, and your false Son the Lord Digby.* They also posted up the Names of all those Members who had voted for the Earl, under the following Title;

Where the Names of such Commoners, as voted against the Earl of *Strafford's* Attainder, are posted up.

These are the STRAFFORDIANS, Betrayers of their Country.

The Lord <i>Digby,</i>	Sir <i>Thomas Fanshawe,</i>
Lord <i>Compton,</i>	Sir <i>Robert Hatton,</i>
Lord <i>Buckhurst,</i>	Sir <i>Edward Alford,</i>

Sir

(*i*) The Earl of *Arundel*, who was so appointed during the Sickness of Lord-Keeper *Littleton*. Clarendon.

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Sir Nicholas Slanning,	Mr. Bridgman,
Sir Henry Slingsby,	Mr. Pettyplace,
Sir William Portman,	Dr. Turnor,
Sir Thomas Danby,	Mr. Pollard,
Sir George Wentworth,	Capt. Price,
Sir Frederick Cornwallis,	Mr. Trevanion,
Sir William Carnaby,	Mr. Jean,
Sir Richard Winn,	Mr. Edgcumbe,
Sir Gervase Clifton,	Mr. Ben. Weston,
Sir W. Widdrington,	Mr. Selden,
Sir Peter Wentworth,	Mr. Alford,
Sir William Pennymman,	Mr. Lloyd,
Sir John Strangeways,	Mr. Herbert,
Sir Patricius Curwen,	Capt. Digby,
Sir Richard Lee,	Capt. Charles Price,
Mr. Gervase Holles,	Dr. Parry,
Mr. Sydney Godolphin,	Mr. R. Arundel,
Mr. Cook,	Mr. Newport,
Mr. Coventry,	Mr. Halborn,
Mr. Kirton,	Mr. Nowel,
Serjeant Hyde,	Mr. Chicheley,
Mr. Taylor,	Mr. Mallorey,
Mr. W. Weston,	Mr. Porter,
Mr. Griffith,	Mr. White,
Mr. Scawen,	Mr. Warwick.

Mr. *Whitlocke* tells us, 'That this was complained of by some who were named in the List, as a high Breach of the Privilege of Parliament; yet, being the Act of a Multitude, no Redress was endeavoured.'

Lord *Clarendon* says, 'That these unheard-of Acts of Insolence and Sedition continued so many Days, till many Lords grew so really apprehensive of having their Brains beaten out, that they absented themselves from the House; and others, finding what Seconded the House of Commons was like to have to compass whatever they desired, changed their Minds; and so, in an Afternoon, when, of fourscore who had been present at the Trial, there were only forty-six Lords in the House (the good People still crying at the Door for *Justice*) they put the

The said Bill
passed by the
Lords.

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An. 17. Car. 1. the Bill to the Question, and, eleven Lords only
1641. dissenting, it passed that House (k.)

The Commons
resent the King's
Speech in Fa-
vour of Lord
Strafford.

The next Thing we find remarkable, in the Commons, is a Report of the King's last Speech, given by the Speaker, at the Command of the House (l); at which, *Rushworth* says, they seem'd to be much troubled and discontented; and it was ordered, 'That Mr. *Selden*, Mr. *Whitlocke*, and Mr. *Glynn*, should immediately retire into the Committee-Chamber, to insert a Clause in the *Subsidy Bill*, That neither the passing of that Bill, nor any other, should determine this Session of Parliament.

Lord *Clarendon* adds, 'That the Commons, in great Passion and Fury, declared this last Act of his Majesty to be the most unparalell'd Breach of Privilege that had ever happen'd: That if his Majesty might take Notice what Bills were passing in either House, and declare his own Opinion, it was to fore-judge their Counsels, and they should not be able to supply the Common-Wealth with wholesome Laws, suitable to the Diseases it labour'd under: That this was the greatest Obstruction of Justice that could be imagined: That they were bound to maintain the Privileges of Parliament; which were now too grossly invaded and violated: With many sharp Discourses to that Purpose.'

Informations of
desperate Designs
against the Par-
liament.

Soon after, Mr. *Pymme* acquainted the House, 'That there were divers Informations given of desperate Designs, both at Home and abroad, against the Parliament and the Peace of the Nation; and that the Persons engaged therein are under an Oath of Secrecy: That there is also an Endeavour to disaffect the Army, not only against the Parliament's Proceedings, but to bring them up against the

(k) *Nelson* and *Whitlocke* say, 'There were 19 for the Earl, and 26 against him; which agrees with the *Lords Journals*.—The Noble Historian is very inaccurate in regard to the Dates of Parliamentary Proceedings.

(l) Lord *Clarendon* charges the Lord *Say* with advising the King to make this Speech, contrary to the Earl of *Strafford*'s own express Desire, who seem'd to apprehend the ill Consequences of it to himself.

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the Parliament, to over-awe them : That there was also a Design upon the *Tower*, and Endeavours used for the Earl of *Strafford's* Escape. That these Combinations at home, have a Correspondency with Practices abroad : That the *French* are drawing down their Forces to the Sea-Side ; so that there was Cause to fear their Intent was upon *Portsmouth* : That divers Persons of Eminency about the Queen, as by good Information appears, are deeply engaged in these Plots : That it is necessary the Ports be stopped ; and that his Majesty be desired to command, That no Person, attending upon the King, Queen, or Prince, do depart without Leave of his Majesty, with the humble Advice of his Parliament.

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Upon this Speech the House fell into a serious Debate ; wherein Sir *John Wray* spoke as follows :

Mr. Speaker,

IF ever we intend to perfect and finish the great Work we have begun, and come to our Journey's End, let us take and follow the right Way, which is *Via tuta* ; and that is, in a Word, to become *Holy Pilgrims*, not *Popish* ; and to endeavour to be loyal *Covenanters* with God and the King : First binding ourselves by a *Parliamentary* and *National* Oath, (not a *Straffordian* nor a *Prelatical* one) to preserve our Religion entire and pure, without the least Compound of Superstition or Idolatry : Next to defend the Defender of the Faith, his Royal Person, Crown, and Dignity ; and to maintain our Sovereign in his Glory and Splendor, which can never be eclipsed, if the Balance of Justice go right, and his Laws be duly executed.

Whereupon Sir John Wray proposes a Protestation to be taken, for the Defence of the Protestant Religion, &c.

Thus doing, Mr. Speaker, and making *Jerusalem* our chiefest Joy, we shall be a blessed Nation, and a happy People : But if we shall let go our *Christian* Hold, and lose our Parliament-Proof and old *English* well-tempered Mettle, let us take heed that our Buckler break not, our Parliaments melt not, and our golden Candlestick be not removed ;

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An. 17. Car. 1. moved; which let me never live to see, nor *England* to feel the Want of. This is my Prayer, with which I conclude my Motion.

Which is agreed to.

The House being generally of Opinion, That it was necessary to enter into a common Resolution for the common Safety, a Protestation was agreed on to be drawn up in Form, by a Committee; and this, being read and assented to by the whole House, was, with its Preamble, in these Words:

The Preamble thereto.

WE the Knights, Citizens, and Burgeſſes of the Commons House in Parliament, finding, to the Grief of our Hearts, that the Designs of the *Prieſts* and *Jefuites*, and other Adherents to the See of *Rome*, have . . . , of late, more boldly and frequently put in Practice, than formerly, to the Undermining and Danger of the Ruin of the true Reformed Religion, in his Majesty's Dominions established; and finding also, that there hath been, and having Cause to suspect there still are, even during the Sitting of Parliament, Endeavours to subvert the fundamental Laws of *England* and *Ireland*, and to introduce the Exercise of an arbitrary and tyrannical Government, by most pernicious and wicked Counsels, Plots, and Conspiracies; and that the long Intermission, and unhappier Breach of Parliaments, hath occasioned many illegall Taxations, whereupon the Subjects have been prosecuted and griev'd; and that divers Innovations and Superstitions have been brought into the Church; Multitudes driven out of his Majesty's Dominions; Jealousies raised and fomented between the King and People; a *Papiſh* Army levied in *Ireland*, and two Armies brought into the Bowels of this Kingdom, to the Hazard of his Majesty's Royal Person, the Consumption of the Revenue of the Crown and the Treasure of this Realm; and lastly, finding the great Causes of Jealousy, Endeavours have been and are used, to bring the *English* Army into a Mis-

‘ Misunderstanding of this Parliament, thereby to
 ‘ incline that Army, by Force, to bring to pass these
 ‘ wicked Counsels; have therefore thought good to
 ‘ join ourselves in a Declaration of our united Af-
 ‘ fections and Resolutions, and to make this ensuing
 ‘ PROTESTATION :

An. 17. Car. 1.
 1641.

I A. B. do, in the Presence of Almighty God, pro- The Protestation
 mise, vow, and protest, to maintain and defend,
 as far as lawfully I may, with my Life, Power, and
 Estate, the true Reformed Protestant Religion, ex-
 pressed in the Doctrine of the Church of England,
 against all Popery and Popish Innovations, and ac-
 cording to the Duty of my Allegiance to his Majesty's
 Royal Person, Honour and Estate; as also, the
 Power and Privilege of Parliament; the lawful
 Rights and Liberties of the Subjects, and every Per-
 son that maketh this Protestation, in whatsoever he
 shall do, in the lawful Pursuance of the same: And
 to my Power, as far as lawfully I may, I will oppose,
 and, by good Ways and Means, endeavour to bring
 to condign Punishment, all such as shall by Force,
 Practice, Counsel, Plots, Conspiracies, or otherwise,
 do any Thing to the contrary in this present Protesta-
 tion contained.

And, further, I shall, in all just and honourable
 Ways, endeavour to preserve the Union and Peace
 betwixt the three Kingdoms of England, Scotland
 and Ireland; and neither for Hope, Fear, or other
 Respect, shall relinquish this Promise, Vow, and
 Protestation.

This solemn Affair was then put to the Question, which is taken
 and resolved, That it was fit to be made, and forth- by all the Mem-
 with taken, by every Member of the House. The bers.
 Names of all which next occur in the Journals;
 and it appears, by a strict Scrutiny that was taken
 next Day, and compared with the List of the
 Knights and Burgeses of the House, that not one
 dissented.

The same Day, in the Afternoon, a great Num-
 ber of the Citizens who had assembled themselves in
 the

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An. 17. Car. 1. the Palace Yard, came up to the Door of the House of Lords, desiring an Answer to their Petition, formerly presented to both Houses of Parliament, and subscribed by many Hands :

The Lords, hereupon, took the Petition into Consideration ; and, being read, it was *ordered* to be committed to a Committee of the whole House ; and that the Gentleman-Usher should call half a Score of them in, to receive this Answer :

‘ That their Lordships had taken their Petition into Consideration, and have now read it again : ‘ That they are resolved to do in it that which ‘ shall be honourable and just, and that with all Expedition.’ After which, the Lord Chancellor desired them to acquaint the rest, and cause them to depart to their own Habitations.

The King’s Message to the Lords for suppressing the Tumults.

Presently after this, a Message was brought from the King to the House of Lords, signifying, ‘ That his Majesty, taking Notice of the great Tumult and Concourſe of People that assemble together in these Parts, had called, this Day, his Council to advise what Course is fit to be taken therein. And it was his Majesty’s Command to let both Houses know, that it is his Pleasure they take into Consideration some speedy Course to settle Peace and prevent these Tumults.’

To this Purpose a Message was sent to the House of Commons, by two of the Judges, to desire a present Conference ; but they, being busy in taking their *Protestation*, deferred it till next Day.

A Conference thereupon with the Commons ;

Accordingly, *May 4.* a Committee of the Commons meeting the Lords at a Conference, the Lord Privy-Seal acquainted them with his Majesty’s Message about the Tumults, and what they had done in that Business : Then added, ‘ That that House being the representative Body of the Commons of this Kingdom, who have brought in the Bill against the Earl of *Strafford*, their Lordships thought fit to let them know, that they are going on to the final Conclusion of the great Business concerning the Earl ; but are so compassed with Multitudes, that their Lordships may be conceived not to be free, unless

unless these Companies of People be sent home; An. 17. Car. I.
whose flocking hither doth only hinder their Lord- 1641.
ships from going on with that great Business:
And therefore the Lords desire the Commons to
consider with them, how this Matter, of such Im-
portance, may be first expedited, and not interrupt-
ed by the Concourse of such Numbers of People;
it having no other Hindrance but their coming about
both Houses in such a Manner.

To this the Commons only said, 'That they
could not now give an Answer; but would re- Who take little
turn to their House, and send one in due Time.'— Notice of the
However, no further Notice is taken of this Business Matter.
in either of the *Journals*.

At the aforementioned Conference, the Lord
Privy-Seal communicated to the Commons a Pe-
tition, which the Lords had, the Day before, received
from the Multitude of People that flocked together
in the Palace-Yard; setting forth, That the Lieu-
tenant of the *Tower* had received an Order for ad-
mitting 100 pick'd Men, under the Command of
a Captain, who was a great Confident of the Earl
of *Strafford*, from whence they apprehended he in-
tended an Escape: But that their Lordships had
sent six of their House to inquire into this Affair,
and to give Orders to prevent it.

This Day, also, the Commons sent up their *Pro-* The Commons
testation to the Lords by Mr. *Maynard* and Mr. Protestation sent
Denzil Holles. Upon presenting thereof the latter up to the Lords,
spoke as follows:

My Lords,

THE Knights, Citizens, and Burgeses of the
House of Commons, having taken into Mr. D. Holles's
their serious Consideration the present Estate and Speech upon that
Condition of this Kingdom, they find it surround- Occasion.
ed with a Variety of pernicious and destructive De-
signs, Practices, and Plots against the Well-being
of it, nay, the very Being of it; and some of these
Designs hatched within our own Bowels, and, Viper-
like, working our Destruction.

They

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1641.

‘ They find *Jesuits* and *Priests* conspiring with ill Ministers of State to destroy our Religion.

They find ill Ministers conjoined together, to subvert our Laws and Liberties.

‘ They find Obstructions of Justice, which is the Life-Blood of every State, and (having a free Passage from the Sovereign Power, where it is primarily seated, as the Life-Blood in the Heart, and thence derived through the several Judicatories, as through so many Veins, into all the Parts of this great Collective Body) doth give Warmth and Motion to every Part and Member, which is nourished and enlivened by it: But being once precluded, stopped, and seared up, as the Particular must, of Necessity, faint and languish; so must the whole Frame of Government be dissolved; and consequently Sovereignty itself (which, as the Heart in the Body, is *primum vivens, & ultimum moriens*) must die and perish in the general Dissolution; and all Things return, as in the Beginning, in *antiquum Chaos*.

‘ They find the Property of the Subject invaded and violated; his Estate rent from him by illegal Taxations, Impositions, Monopolies, and Projects, (almost upon every thing which is for the Use of Man) not only upon Superfluities, but Necessaries; and this is to enrich the Vermin and Caterpillars of the Land, and to impoverish the Good; *to take the Meat from the Children, and give it to Dogs*.

‘ My Lords, if we find these Things so, we must conceive they must be ill Counsels which have brought us into this Condition. These Counsels have put all into a Combustion; have discouraged the Hearts of all true *Englishmen*, and have brought two Armies into our Bowels, which (as the Vulture upon *Prometheus*) eat through our Sides, and gnaw our very Hearts. *Hinc Dolor, sed unde Medicina?*

‘ Heretofore Parliaments were the *Catholicon*, the Balm of *Gilead*, which healed our Wounds, restored our Spirits, and made up all the Breaches
of

of the Land ; but of late Years they have been like An. 17. Cap. 1.
the Fig-Tree in the Gospel, without Efficacy, with-
out Fruit ; only destructive to the particular Mem-
bers who discharge their Duties and Consciences,
no way beneficial to the Common-Wealth : *Nobis*
exitabile, nec Reipublice profuturum, as is said in *Ta-*
citus ; commonly taken away, as *Elias* was, with a
Whirlwind ; never coming to any Maturity or to
their natural End : Whereas they should be like that
blessed old Man which dieth (*plenus Dierum*) in a
full Age, after he had fought a good Fight, and
overcome all his Enemies ; as the Shock of Wheat,
which cometh in due Season, to fill our Granaries
with Corn, upholds our Lives with the Staff of
Bread : For Parliaments are our *Panis quotidianus*,
our true Bread ; all other Ways are but *Quelques*
Choses, which yield no true Nourishment, breed
no good Blood.

‘ This very Parliament, which hath sat so long,
hath all this while but beaten the Air, and striven
against the Stream ; for I may truly say, Wind and
Tide have still been against us.

‘ The same ill Counsels which first raised the
Storm, which almost ship-wreck’d the Common-
Wealth, do still continue ; they blow strong, like
the East Wind that brought the Locusts over the
Land.

‘ These Counsels cross our Designs, cast Difficul-
ties in our Way, hinder our Proceedings, and make
all that we do to be fruitless and ineffectual ; they
make us to be not Masters of our Business, and so
not Masters of our Money ; which hath been the
great Business of this Parliament, that we might
pay the Armies according to our Promises and En-
gagements.

‘ For, my Lords, our not Effecting of the good
Things which we had undertaken for the Good of
the Church and Common-Wealth, hath wounded
our Reputation, and taken off from our Credit.

‘ Is it not Time then, my Lords, that we should
unite and concentrate ourselves, in regard of this
Antiperistasis and *Circumvallation* of hurtful and
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malicious Intentions and Practices against us? My Lords, it is most agreeable to Nature, and, I am sure, most agreeable to Reason, in respect of the present Conjunction of our Affairs; for one main Engine by which our Enemies work our Mischief, is by infusing an Opinion and Belief into the World, That we are not united amongst ourselves; but that, like *Sampson's* Foxes, we draw several Ways, and tend to several Ends.

'To defeat then the Counsels of these *Achitophels*, which would involve us, our Religion, our King, our Laws, our Liberties, all that can be near and dear unto us, in one universal and general Desolation; to defeat, I say, the Counsels of such *Achitophels*, the Knights, Citizens, and Burgesses of the House of Commons (knowing themselves to be specially entrusted with the Preservation of the Whole; and, in their Consciences, persuaded, that the Dangers are so imminent, that they will admit of no Delay) have thought fit to declare their united Affections; by entering into an Association amongst themselves, and by making a solemn Protestation and Vow unto their God, That they will unanimously endeavour to oppose and prevent the Counsels and Counsellors which have brought upon us all these Miseries, and Fears of greater; to prevent the Ends, and bring the Authors of them to condign Punishment, and thereby discharge themselves both before God and Man.

'The Protestation your Lordships shall have read unto you, together with the Grounds and Reasons which have induced the House of Commons to make it; which are prefixed before it by way of Preamble.'

Then the *Protestation*, with the Preamble to it, was read by Mr. *Maynard*.

Afterwards it was, upon the Question, *resolved*, *Nemine contradicente*, 'That every Lord of this House should take this *Protestation*.'

Next follow the Titles of all the Peers, Bishops included, then present, who took and subscribed this
In-

The Lords take
the Protestation.

Instrument; and the rest of the Lords did the same, in the succeeding Days, as they came to the House (m). An. 17. Car. I. 1647.

May 5. The House of Commons ordered, 'That the *Protestation* aforesaid, with the Preamble to it, should be printed together; and that the Knights, Citizens, and Burgesses may have Copies of them to send down to the Sheriffs and Justices of Peace of the several Counties, Cities, Burroughs, &c. in England; (n) and that they intimate to them, with what Willingness the Members of this House made this *Protestation*; and, as they justified the taking of it in themselves, so they cannot but approve the same in others (o). Which the Commons order to be printed.

Ordered also, 'That all the Members that are in Town, and not sick, do appear here To-morrow, at Eight o'Clock; and their Non-appearance shall be accounted a Contempt of this House; upon which the House shall proceed as against a Person not worthy to sit here: And that no Member leave the Town without special Licence from the House.'

This Order was a Preamble to another strict Inquisition in the Commons; and, first, an Order was made, 'That all the Knights of Shires, Citizens, and Burgesses of every County, should meet, separately, this Afternoon, to consider in what State and Condition their several Counties, Cities, and

R 2

Bo-

(m) Lord Clarendon says, 'The Earl of Southampton and the Lord Roberts only refused it;' alledging, 'There was no Law that enjoined it, and the Consequence of such voluntary Engagements might produce Effects that were not then intended.' Vol. I. p. 198.

Dr. Nalson adds, 'That divers Recusant Lords declared to their House, That they were ready to take the *Protestation*, so much as concerns the civil Part of it, so they might be dispensed with for the Matter of Religion, which binds their Consciences; which the House giving way to, the Lord Marquis of Winchester, the Earl Rivers, and the Lord Audley made the *Protestation* accordingly.'

Collections, Vol. II. p. 237.

(n) This Day, in the Afternoon, one Mr. Henry Berkley was committed to the Gate-House, for saying, 'That the House of Commons deserved to be hang'd better than the Earl of Strafford, and that if he had seen one of the *Protestations* sticking up, he would have pluck'd it down, and wip'd his Breech with it.'

Diurnal Occurrences, p. 92.

(o) Rushworth says, That whatsoever refused to take it, should be noted as disaffected to the Parliament. Vol. IV. p. 250.

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Orders and Resolutions of the Commons for putting the Kingdom in a State of Defence.

Boroughs are, in respect of Arms and Ammunition ; and in what Condition for Lord Lieutenants, or Deputy Lieutenants, whether they be Persons well-affected to Religion and to the Public Peace ; and to present the Names of them to this House : And likewise to consider what Forts and Castles there are in their several Counties, &c. and who are the Governors of them ; and who are the Governors of the Islands, and the Castles and Forts there.

Resolved, upon the Question, ' That this House doth declare, that whosoever doth give any Counsel or Assistance, or join, in any Manner, to bring any foreign Force into the Kingdom, unless it be by Command of his Majesty, with the Consent of both Houses of Parliament, shall be adjudged and reputed a public Enemy to the King and Kingdom.'

All this was previous to a Message sent, this Day, to the Lords by Mr. *Holles*, ' That the House had received such Information, as doth give them just Cause to suspect, that there have been, and still are, secret Practices to discontent the Army with the Proceedings of Parliament, and to engage them in some Design of dangerous Consequence to the State ; and, by some other mischievous Ways, to prevent the happy Success and Conclusion of this Parliament. And because the timely Discoveries and Prevention of these dangerous Plots doth so nearly concern both the Safety of the King and Kingdom, they desire their Lordships would appoint a select Committee, to take the Examinations, upon Oath, of such Persons, and upon such Interrogatories as shall be presented unto them by the Direction of the House of Commons, and in the Presence of such of the Members of that House as shall be thereunto appointed ; with Injunction of such Secrecy as a Business of this Nature requires.

' They have also *ordered*, That such Members of their House as may be thought fit, shall, upon Notice, be ready to be examined ; and they desire their Lordships will be pleased to order the like for the Members and Assistants of their own House. And further, it is desired, that their Lordships will forth-

forthwith send to his Majesty, to beseech him, in the Name of the Parliament, upon this great and weighty Occasion, That no Servant of his Majesty, the Queen, or the Prince, may depart the Kingdom, or otherwise absent himself, without Leave from his Majesty, and with the humble Advice of Parliament, untill these Examinations be perfected.

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Some other *Orders* and *Resolutions* were made, all relative to this Plot, but too tedious to insert. We shall only add, from the other *Journals*, That when Mr. *Holles* had, with much Solemnity, read this Message to the Lords, they returned Answer, 'That they would join with the House of Commons in all they desired.' And immediately ordered a Committee of ten Lords to take Examinations, upon Oath, of such Persons as shall be presented to them by the Members of the other House. And a *Memorandum* is entered, *That whereas none of the Lords the Bishops are join'd in this Commission, it was declared by the House, that it should be no Prejudice to their Rights, as Peers of Parliament.*

With all which
the Lords concur.

After this the Lords sent a Message to the King by three great Officers of State, and some other Lords, about the Request the Commons made relating to his Majesty's Servants, and those of the Queen and Prince. The Answer was reported back by the Earl of *Dorset*, 'That his Majesty very willingly granted it; and gave present Command to these great Officers, that attended him on this Occasion, to take Notice thereof to all under their Charge, that none do depart the Kingdom without the King's Licence, but be forthcoming upon Demand.'

The Lords of the Committee for examining Witnesses were enjoined strict Secrecy in that Affair; and the Attorney General, with one of the King's Serjeants, who were to attend them, took an Oath, there entered, to the same Purpose.

In the Afternoon of this Day, an Order was made by the Lords, to impower the Constable of the *Tower of London* to send to the Lord Mayor, for the Assistance of such a Number of the Train'd Bands as he shall have need of, in case of any sud-

An. 17. Car. 1. den Accident that may hereafter happen. The
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Lord Mayor also had Power given him, by this Order, to raise and arm any such Number of the Train'd-Bands, with Powder and Ball, as the said Constable shall require, for the safe-guarding and keeping the said *Tower*, when Need shall require it. Soon after the Lord Mayor's Power was enlarged, by Content of the King, That, upon any sudden Commotion or Insurrection, he may draw out so many of the Train'd-Bands, as may be thought sufficient to suppress it.

It is proper here to take Notice, that these *Abstracts* from the *Journals* of both Houses are strictly compared with *Rushworth's Collections*, by which we find that there are many Things in the latter, which have not the Sanction of the former Authorities: Particularly, in the Business of this Day, the *Collector* writes, That the Committee appointed by the Commons to enquire into the Plot, made their Report of it to the House, and that it consisted of three Heads; the *first*, The Design upon the *Tower*. The *second*, To engage the *Army*. And, the *third*, To bring in *Foreign Forces*. Then he gives a long Detail of the Evidence to support this Charge, not one Word of all which is in the *Journals* of this Day, or the succeeding ones; so that it rests wholly upon his Authority (p):—But to go on,

This Afternoon also, the Commons *resolved*, upon the Question, 'That a Bill shall be prepared to declare and assure the Continuance of this present

(p) This Day there was a great Hubbub raised in the City, occasioned by a Report of a Design to blow up the Parliament: Notice whereof was taken in the House of Commons, by Sir *Walter Erle*:—Mr. *Middleton* and Mr. *Moyle*, two very corpulent Men, with some others, standing up to hear him, a Board in the Gallery broke, and gave such a Crack, that some apprehended the House was blown up indeed: And Sir *John Wray* crying out, *He smelt Gun-Powder*, they hurried out of the House, and frightened the People in the Lobby, who ran into the Hall crying, *The Parliament House was falling, and the Members slain*; and, the People running in Confusion thro' the Hall, Sir *Robert Mansel* drew his Sword, and bid them stand for Shame, *for he saw no Enemy to hurt the Parliament, and that there was no Danger*: But some of the Zealots by Water gave the Alarm, so that the Drums beat, and a Regiment of Train'd-Bands march'd as far as *Covent-Garden*, and the Rabble of Volunteers down to the House, to save the Parliament, *Nelson's Collect.* Vol. 11. p. 197.

sent Parliament, from Adjourning, Proroguing, or An. 17. Car. I.
Dissolving, without the Consent of both Houses (q).
Mr. *Whitlocke* to prepare this Bill (r). 1641.

Mr. *Rouse* having reported the Case of *John Lilburn*, it was

Resolved, 1. ' That the Sentence in the *Star-Chamber* given against *John Lilburn*, is illegal, and against the Liberty of the Subject; and also bloody, wicked, cruel, and tyrannical. Sentence against John Lilburn in the Star-Chamber, voted illegal.

2. ' That Reparation ought to be given to Mr. *Lilburn*, for his Imprisonment, Suffering, and Losses, sustained by that illegal Sentence (s).'

After this, was read a first and second Time, in the House of Commons, *A Bill for the Security of true Religion; the Safety and Honour of his Majesty's Person; the just Rights of the Subjects; and for the better Discovery and Punishment of Popish Recusants.*

The Act For Continuance of this present Parliament, was read also a first and second Time, with Amendments; and, upon the Question, ordered to be ingrossed.

On the same Day, likewise, a Bill of Subsidies was read a third Time, entitled, *An Act for the further Relief of the King's Army and the Northern Parts*; and, upon the Question, passed.

May 6. A Conference with the Lords was desired by the Commons, and assented to; the Lord *Wharton* reported the Substance of it to this Effect:

' That the House of Commons have lately presented to their Lordships some Information which they received, concerning ill Counsels and Practi- The Commons Suspicion of Discontents in the Army.

CES

(q) A *Journalist* of these Times writes, That an Offer was made in the House of Commons, by one of the Knights of *Lancashire*, to procure his Majesty the Loan of 650,000*l.* till such Time as the Subsidies could be gathered, if his Majesty would be pleased to pass this Bill.

Diurnal Occurrences, p. 93.

(r) Mr. *Whitlocke* remarks, That this Motion was so well liked by many Parliament-Men, who, upon passing such a Bill, would sit the surer and the longer in their Saddles; and they were so hot upon it, that the Committee brought it in the very next Morning. His Account of the extraordinary Dispatch used in the passing of this Bill, is confirmed by our Extracts from the *Journal*.

(s) See the Proceedings against him in the *Star-Chamber*, in *Rushworth*, Vol. II. p. 463.

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An. 17. Car. I. ces, which have been given to discontent the *English* Army with the Proceedings of Parliament, and to engage them in some Design of dangerous Consequence, &c. The Commons have now great Cause to increase their Jealousies; for, having sent for certain Persons to be examined in that Business, they are not to be found; and the Answers returned are so various, that they have great Cause to believe they are fled. In particular they named *Henry Percy, Esq; Henry Fernyn, Esq; Sir John Suckling, William Davenant, and Capt. Billingsly*; therefore they desired the Lords would join with them, that all the Ports may be stopped, and some Course taken to find them out. And whereas they are informed, that the Queen intends to take a Journey to *Portsmouth*, they desire, (out of the Service and Respect they owe to her Majesty and the Safety of her Person) that the King may be moved to desire the Queen to defer her Journey to *Portsmouth*, untill the Bottom of this Business be fully known. *Lastly*, That some Course may be taken to satisfy the *English* Army: And, if there be any there who have been carried away by ill Counsel; to let it be known amongst them, that, if they will come in and discover the rest, they shall be spared.

Hereupon it was ordered, 'That this House doth join with the House of Commons in every Thing they ask. The Ports were immediately ordered to be stopp'd, and circular Letters to be sent for that Purpose. None to be suffered to pass, except *Sir Thomas Roe*, and his Attendants, who was going Ambassador abroad; particularly the Persons above-named, to be apprehended, and safely conducted to this House. The Members of the last Committee were ordered to frame a Letter to the *English* Army, to take away all Misunderstandings that might have been raised amongst them; as follows:

S I R,

A Letter sent by the Speaker, to assure them of their Pay.

WE have had Cause to doubt that some ill-affect-
ed Persons have endeavoured to make a Misunderstanding in the Army, of the Intention of the Par-
liament

liament towards them. To take away all Misunderstanding in that Kind, the House of Commons have commanded me to assure you, That they have taken the Affairs of the Army into their serious Care; and though, for the present, the'r Monies have not come in as was wished, and as was due; by reason of the many Distractions, and other Impediments which this House could no ways avoid; yet the Army may rest most assured, that they shall not only have their full Pay, but the House will take their Merits into their further Consideration; in regard they take Notice, that notwithstanding their Wants, and the Endeavours of those ill-affected Persons, they have not demeaned themselves otherwise than as Men of Honour, and well-affected to the Common-Wealth; which this House takes in so good Part, that we have already found out a Way to get Money for a good Part of their Pay, and will take the most speedy Course we possibly may for the rest. So I remain

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1641.

From my House at Charing-Cross, the 4th of this present Month of May, 1641.

Your very loving Friend,

WILL. LENTHALL.

P. S. 'Tis the Pleasure of this House, that this Letter be communicated to the Army, to the end their Intentions may be clearly understood.

May 7. The House of Commons having appointed a Committee, the Day before, to take into Consideration the printing of the *Preamble* and *Protestation*, with the Lord Digby's last Speech, and several other Speeches of Members of their House; and to have Power to send for Parties, Witnesses, Books, and Papers: This Day the Lords also ordered the Bishops that were on the Committee for Religion, to have Power, from that House, to inquire after the printing and publishing of News-Books that are lately printed, full of Innovations of Doctrine, &c. with Liberty to send for the Printers, and examine them; and afterwards to report the same to the House.

Another Conference was desired, this Day, with the Lords, the Report of which by the Lord Privy Seal, was to this Purpose:

‘ That

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A Conference
concerning the
present Dangers
of the Kingdom.

That it was said by the Commons at this Conference, that seven or eight Persons, that would have been material Witnesses in this great Business; are fled and run away, upon their sending for them; and therefore their Suspicions are much confirmed concerning the Design to seduce the King's Army, and bringing them hither to join with other Forces, to the Disturbance of the Parliament: Also, that they have probable Information of some Forces, now at the Sea Side, in *France*, designed for *Portsmouth*: Therefore they desire their Lordships to join with them, in all convenient Ways, for the Discovery of this Business, not doubting but these Designs are united together. And it is their Desire that three Persons, one Member of this House and two of the Commons, be sent forthwith to *Portsmouth*, with a Commission to examine the Governor of that Fort upon Interrogatories; and, if any Cause of Jealousy be to suspect the Governor, forthwith to command him to come to Parliament; one of the Commopers to come up with him, and the other to stay there to make as good Provision as they can for that Place, till they hear from hence. If the Governor refuse to come up to *London*, that there be some speedy Course taken to prevent further Mischief.

Next, that there may be some Forces drawn out into *Wiltshire* and *Berkshire*, Inland Counties, to secure *Portsmouth*. Then to take Care that Provision be made for the Isles of *Guernsey* and *Jersey*; and that the Train-Bands of *Hampshire*, *Sussex*, and *Dorset*, may be in Readiness: Also, that Orders may be taken that the Ships at *Portsmouth* may be put into a good Posture for defending that Town, and that the Lord Admiral be requested to put Commanders of Trust and Fidelity into those Ships: That a Letter be sent down, signed by the two Speakers of the Lords and Commons, to the Commanders of the Army, to satisfy them, and to think of some fit Way how the Bottom of this Plot may be discovered.

That

‘ That the Commons have appointed some Mem-
bers of their House to go into *Dorsetshire*, for draw-
ing up the Men to be ready on Occasion: And
likewise they have sent down to the King’s Army
in the *North* other Members of theirs, for satisfying
the Army, and to endeavour to discover these
Counsels and Plots in Hand. *Lastly*, That the
House of Commons have voted, That whosoever
hath counselled, assisted, or joined to bring in any
foreign Force, but by the Leave of the King and
Advice of Parliament, shall be accounted as an E-
nemy to the King and Kingdom.’

The Lords complied with every Article of this
Request of the Commons. They first passed the
same Vote, *Nem. Con.* against Counsellors or Assist-
ants. Next, the Lord *Kimbolton* was deputed by
their Lordships to go to *Portsmouth*; to whom were
joined, in Commission, Sir *John Clotworthy* and
Sir *Philip Stapleton*, of the House of Commons. Orders and Reso-
lutions thereup-
on.

They ordered also a Proclamation to be issued out
against *Percy*, *Fermyn*, Sir *John Suckling*, &c. and
sent into all the Counties in *England*, summoning
them to surrender themselves within ten Days of
the Date thereof, to the Lords in Parliament at
Westminster, under such a Penalty as that House
should think fit to inflict upon them: And that
Mr. Attorney shall present the same to be signed
by the King.

This Day also the Commons read a third Time, The Commons
passed, and sent up to the Lords the Bill, *To pre-* pass the Bill for
vent Inconveniences by adjourning of the Parliament; the Continuance of
which their Lordships read a first and second Time
this Afternoon; and ordered to be delivered back to
the Commons. with some Amendments.

The Lord Chief Justice of the *King’s Bench* de-
livered in to the Lords, the unanimous Opinion of
all the Judges present: *That they are of Opinion*, The Judges give
their Opinion a-
gainst Lord Straf-
ford.
upon all wh ch their Lordships have voted to be proved,
that the Earl of *Strafford* doth deserve to undergo the
Pains and Forfeitures of High Treason by Law.

May

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1641.

May 8. To prevent further Discontents in the Army, another Letter was this Day sent from the Commons, with the Consent and Concurrence of the Lords, to Sir Jacob Ashley and Sir John Conyers; to be communicated to the Army in the North; which was as follows:

S I R,

A second Letter
to the Army:

WHereas there have been just Causes of Jealousy, that there have been some secret Attempts and Practices, to infuse into the Army a Mistake of this Parliament, to some dangerous Intents and Purposes against the State; and that now the Matter is grown unto a strong Presumption, upon further Discoveries; and, by reason that some of those which were suspected to have been active therein are fled, upon the first Stirring thereof, before ever they were once named; it hath pleased this House to declare, That notwithstanding they intend to search into the Bottom of this Conspiracy; yet, purposing to proceed specially against the principal Actors therein, this House hath resolved, (whereunto the House of Peers hath likewise consented) that for such of the Army as the Conspirators have endeavoured to work upon, if they shall testify their Fidelity to the State, by a timely Discovery of that which they know and can certify therein; they shall not only be free from all Punishment, but also shall be esteemed to have done that which is for the Service of the State, in Discovery of so dangerous a Plot against it: And for such of the Army, as are and shall be found no ways tainted with this dangerous Design, or, knowing any Thing thereof, shall make such Discovery as aforesaid; as this House shall no ways doubt of their Loyalty and Fidelity, so it shall have an especial Care not only to satisfy all such Arrears as this House hath formerly promised to discharge; but also give a fair Testimony of the Sense they have of their present and past Wants. And it is ordered by this House, That, immediately after the Receipt hereof, you should communicate this their Declaration unto all the Officers and Members of the Army under your Command.

Secd.

Seamen being also at this Time very much wanted to man the Fleet, a Bill was brought into the House of Commons, intituled, *An Act for the better levying of Mariners for the Defence of this Realm.* An. 17. Car. I. 1641.

The same Day the Commons returned the Bill, concerning the *Adjourning, &c. of the present Parliament*, to the Lords, with this Answer, 'That they had debated their Lordships Amendments to it, and find them not material; and therefore desire that the Bill may pass without them.' On which the Bill was read a third Time; and being put to the Question, the House divided, and it was carried, 'That the Bill pass into a Law, by the major Part of the Peers,' as their *Journals* express it (1).

The Bill for continuing the Parliament, pass'd.

Several more Conferences were held, between the two Houses, on various Subjects, relating to the Plot; and this Day a Message came down to the Lower House, desiring another Conference about the great and weighty Affairs of the Kingdom.

This Conference was reported to the House of Commons by Mr. *Pierpoint*, to be on these Heads: The Lords informed them, 'That the Commission for *Portsmouth* was already sent down, and the Lord *Kimbolton* with it. — That the Proclamation against the Fugitives should come forth that Day. — That Care shall be taken that the Counties, for the Defence of *Portsmouth* and the Isle of *Wight*, be in Readiness. — That the Lord Admiral will take Care that the Ships for *Portsmouth* be prepared, and that none but Men of Trust shall have Command. — That the Bill of Attainder of *Thomas Earl of Strafford* is passed their House, as it passed here, without any Amendment or Alteration.' Another Conference concerning the Danger of the Kingdom.

Bill for attainting the Earl of Strafford, passed by the Lords.

Immediately upon this, a farther Conference was desired by the Commons; the Substance whereof, was

(1) The principal Amendments were, 'That the Time should be limited and not left indefinite; and that it should not be dissolved within two Years, except by Consent of both Houses; that Time being sufficient to provide against any Accidents that were then apprehended. See Clarendon Vol. I. p. 205, et seq.

Aug. 17. Car. I. was, 'That in regard the Peace of the Kingdom doth much consist in the dispatching of the Bill of Attainder of *Thomas Earl of Strafford*, to desire their Lordships to move his Majesty, as speedily as may be, to give his Concurrence.'

1641.

Mr. *Pym* was the Manager at this Conference, who brought Word back to the House, 'That the Lords would join with them to attend his Majesty, according to his Appointment, at four this Afternoon, in the *Banqueting-House, White-Hall*.' But the Answer the King then gave to both Houses, was, 'That he would be at the House of Lords on *Monday Morning*, at Ten o'Clock, in order to give his Assent to the two Bills.'

The King greatly perplexed as to giving his Assent thereto.

The King being much perplexed between the Clamours of a discontented People and an unsatisfied Conscience; *Rushworth* tells us, 'That the Day before, being *Sunday*, his Majesty called his Privy-Council at *White-Hall*, and propos'd several Scruples unto them, concerning this Bill of Attainder.—Some of the Judges (u) and Bishops were present also, to whom his Majesty imparted his Doubts and had their Opinions therein.

The Arguments, *Pro* and *Con*, upon this very remarkable Occasion, collected from the several *Cotemporary Writers* (x), may, perhaps, be no disagreeable Digression:—The Earl of *Pembroke*, Lord Chamberlain, told him 'That should he deny this, it would be construed, that he loved his Enemies, and hated his Friends; and that if he did not speak comfortably to the People, they would desert him; which would be worse than all the Evils that had befallen him in his Life.'—The Bishop of *London*, Dr. *Juxon*, resolutely told him, 'That if he were not satisfied in his Conscience, he ought not to do it whatsoever happened.'—But the Bishop of *Lincoln*, Dr. *John Williams*, endeavour'd to persuade the King, 'That there was a private and a public Con-

(u) The King complain'd of the Judges, that, by their dubious Answers, they only abused him, not eased him of his Scruples.

Nelson, Vol. II. p. 192.

(x) *Clarendon* Vol. I. p. 205. *Whitlocke's Memorials*, p. 44.

Conscience; that his public Conscience as a King, might not only dispence with, but oblige him to do that which was against his private Conscience as a Man; and that the Question was not, Whether he should save the Earl of *Strafford*; but, Whether he should perish with him? That the Conscience of a King to preserve his Kingdom, the Conscience of a Husband to preserve his Wife, the Conscience of a Father to preserve his Children (all which were now in Danger) weighed down abundantly all the Considerations the Conscience of a Master, or a Friend, could suggest to him, for the Preservation of a Friend, or Servant.* And by such unprelatical, ignominious Arguments, (says Lord *Clarendon*) he, in plain Terms, advised him, even for Conscience Sake, to pass that Act.—He adds, ‘Tho’ this Bishop acted his Part with more prodigious Boldness and Impiety; others of the same Function (for whose Learning and Sincerity the King and the World had greater Reverence) did not what might have been expected from their Calling or their Trust.’

Mr. *Whislocke* adds, That the chief Motive was a Letter which the Earl of *Strafford* sent to the King (y); wherein we find the following remarkable Passage, viz. *With much Sadness, I am come to a Resolution of that which I take to be best becoming me, to look upon that which is most principal in itself; which, doubtless, is the Prosperity of your Sacred Person and the Common-Wealth, infinitely before any private Man’s Interest: And therefore, in few Words, as I did put myself wholly upon the Honour and Justice of my Peers so clearly, as to beseech your Majesty might please to have spared that Declaration of yours on Saturday last, and entirely to have left me to their Lordships; so now, to set your Majesty’s Conscience at Liberty, I do most humbly beseech your Majesty, in Prevention of Mistakes which may happen by your Refusal, to pass this Bill; and, by this Means, to remove, (praised be God, I cannot say, this accursed, but I confess) this unfortunate Thing forth*

* (y) This Letter, at large, is in *Nelson, Rushworth, Saunderson, and the State Trials.*

An. 27. Car. 1. 1641. *farth out of the Way, towards that blessed Agreement, which God, I trust, shall ever establish between you and your Subjects. Sir, my Consent shall more acquit you herein to God, than all the World can do besides. To a willing Man there is no Injury done (y).*

But, at last, grants a Commission for that and the Bill for Continuance of the Parliament.

In fine; the King gave Orders for a Commission to empower the Earl of Arundel, the Lord Privy-Seal, and other Lords, to give the Royal Assent to the Bill for the Execution of the Earl of Strafford; as also to another Bill, for the Continuance of the present Parliament; on which Mr. Whitlocke observes, 'Great Censures were past upon the King's passing these Bills, the one being against his most faithful Servant, and the other against himself; and that he should ever be brought to it, was admired by most of his Subjects, as well as Foreigners.'—He adds, 'That when the Earl read the News of the King's having pass'd the Bill, (as not believing he would have done it) he rose up from his Chair, lift up his Eyes to Heaven, laid his Hand on his Heart, and said, *Put not your Trust in Princes, nor in the Sons of Men, for in them there is no Salvation.*'

May 10. In consequence of this Commission, a Message was sent from the Lords to the Commons, by Mr. Maxwell, Gentleman Usher of the Black Rod, signifying, 'That his Majesty's Assent to the Bill of Attainder was then to be given, and that the King did expect the Speaker and the House of Commons to come up.'

After the Commons were come, a Commission was read, under the Great Seal of England, directed to the Lord Privy Seal, the Lord Great Chamberlain, and the Lord Steward, or any two of them, for giving the Royal Assent to two Bills; the one

(y) *Rushworth* informs us, 'That the Lieutenant of the Tower, Sir William Balfour, declared upon Oath, That the Earl of Strafford expostulated with him about his Escape, and made him very large Offers to obtain his Consent; assuring him he should have the King's Warrant for his Indemnity therein; but Balfour, adds Whitlocke, was true to the Interest of his Countrymen the Covenanters, and their Friends in Parliament.

entitled, *An Act of Attainder of Thomas Earl of An. 17. Car. I.*
Strafford, of High Treason; the other, *An Act to* 1641.
prevent Inconveniences which may happen by the un-
timely Adjourning, Proroguing, or Dissolving of this
present Parliament: But before this Commission
 was read, the Lord Privy Seal declared to both
 Houses, 'That it was his Majesty's Intent to have
 come himself, as this Day, to give his Assent, in
 Person, to the two Bills; but some important Oc-
 casions had prevented him, and so he had sent a
 Commission for that Purpose.'

On the same Day the Commons sent up a *Sub-*
sidy-Bill, entitled, *An Act for the Relief of his Ma-*
jesty's Army, and the Northern Parts of this King-
dom; and four other Bills of less Concern to the
 Public. The Bill for a *Subsidy* was read twice, in
 the Afternoon of that Day, by the Lords.

Mr. Treasurer delivered a Message from the
 King, 'That his Majesty had already given Direc-
 tion to prepare a Patent to make the Earl of *Salis-*
bury Lieutenant for *Dorsetshire*, the Lord *Cottingham*
 having offered to surrender up his Patent.' Saying
 further, 'By this you may see how ready his Ma-
 jesty is to satisfy all our just Requests, and is resol-
 ved to repose himself upon the Affections of his
 People.' Hereupon Mr. Treasurer was appointed
 to return Thanks to his Majesty.

The House of Commons seem'd to be under some
 Consternation and Dread of another Gunpowder-
 Plot; for this Day the Serjeant at Arms was ordered;
 by that House, to get the Holes in the Floor of
Westminster-Hall searched into, and stopp'd up; All the Avenues
 and a Committee of five of their Members were ap- to the Parlia-
 pointed to take Care and search the Houses, Rooms, ment-House
 and Places about the Parliament-House, to prevent search'd on the
 the Designs and Danger that may happen by Per- a Plot.
 sons ill-affected. This Order was made one of
 the first Things they did, before their going to hear
 the Commission read in the Upper House.

May 11. The House of Commons went into a
 Committee, Mr. *Hyde* in the Chair; and, when
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An. 17. Car. I. 1641. the House was resumed, it was *resolved*, upon the Question, 'That the Sum of 400,000^l should be raised for the great and pressing Affairs of the Kingdom.

A Conference was held this Day between the two Houses, and Mr. *Pymme* reported part of it to the Commons, *viz.*

A Conference concerning the Stoppage of the Ports.

'The Earl of *Dorset* told them, That the Lords had received many Petitions from Merchants, ready to send their Ships to Sea, which they cannot do by reason of the Ports being stopp'd, whereby they lose their Voyage, with other cross Accidents on that Occasion. The Lords conceived that the Reason for stopping the Ports was to prevent some particular Men, shewing a Guilt by their Flights, from going over, and not of Merchants in general: However, that the Lords would not open them till they had acquainted this House with it.'

The second Part of the Conference was reported by Mr. Treasurer *Vane*, to this Effect:

And also relating to the Queen-Mother.

'That the Earl of *Holland* said, the Lords had been informed what Fears the Queen's Mother was in, by reason of the Disorders of the People, and desired a Guard. That he, being Lord Lieutenant of *Middlesex*, had appointed a Guard of one hundred Musqueteers for that Purpose: That he found great Unwillingness in some of them to go; they said they thought it fitter to do other Things than guard Strangers: That since the Mob talk'd of coming the next Day into St. *James's* Fields; and if any thing should happen to the Queen-Mother of *France*, it would be a great Dishonour to this Nation, she being here for Protection from the King and Queen: That she is to be consider'd as a Lady, who is Mother to the greatest Princes in *Christendom*: Besides, she had lived here with such Modesty and Moderation, as every Body near her did wonder at: That there had not a Person, belonging to her Family, been complained of or punished: That she had often desired his Majesty would

would so govern as to gain the Affections of his People, particularly by Parliament.' An. 27. Car. I. 1641.

Another Circumstance the Earl delivered, 'That the Disorders of the Multitude were much increased: That the City Marshal had inform'd them, that last Night there marched towards the *Tower*, a thousand Sailors and others, with a Flag of a Ship before them, who pulled down two Houses: That the Train'd-Bands opposed, fired, and killed two of them: Therefore they desired our Advice how to prevent these Tumults.'

It was afterwards *ordered*, by Consent of both Houses, 'That the Ports should be forthwith opened, and that two Proclamations should be put forth: The one to declare, That the King had taken the Queen-Mother into his Royal Protection; that the Train'd-Bands should be appointed for her Guard; and that a List may be taken of her Servants: The other to prohibit all Tumults and Drawing together of People, under severe Penalties.'

At the Request of the Commons, the Lords *ordered*, 'That the Postmaster for foreign Letters, should bring, or cause to be brought, to a Committee appointed for that Purpose, all such Letters, imported or to be exported, which come to his Hands: And the Committee were ordered to open the said Letters, peruse them, and report them to the House.'

A Committee appointed to open all foreign Letters.

This Day also his Majesty sent a Letter, all written with his own Hand, to the House of Lords, by his Highness the Prince; which was delivered to the Lord Keeper, and read *in hæc Verba*:

My Lords,

I Did Yesterday satisfy the Justice of the Kingdom, by passing the Bill of Attainder against the Earl of Strafford: But Mercy being as inherent in, and inseparable from a King as Justice, I desire, at this Time, in some Measure to shew that likewise, by suffering that unfortunate Man to fulfil the natural

The King's Letter to the Lords for respiting the Execution of Lord Strafford.

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Course of his Life in a close Imprisonment; yet so that, if ever he make the least Offer to escape, or offer directly, or indirectly to meddle in any Sort of public Business, especially with me, either by Message or Letter, it shall cost him his Life, without further Process. This, if it may be done without the Discontentment of my People, will be an unspeakable Contentment to me.

To which End, as in the first Place, I by this Letter do earnestly desire your Approbation; and, to endear it the more, have chosen him to carry it, that of all your House is most dear to me: So I desire that, by a Conference, you will endeavour to give the House of Commons Contentment; likewise assuring you, that the Exercise of Mercy is no more pleasing to me, than to see both Houses of Parliament consent, for my Sake, that I should moderate the Severity of the Law in so important a Case.

I will not say that your complying with me, in this my intended Mercy, shall make me more willing, but certainly it will make me more chearful, in granting your just Grievances: But, if no less than his Life can satisfy my People, I must say, fiat Justitia. Thus, again, recommending the Consideration of my Intentions to you, I rest,

Witness the 11th
of May, 1641.

Your unalterable and
affectionate Friend,

CHARLES R.

P. S. If he must die, it were Charity to reprieve him till Saturday.

This Letter having been read a second Time, after serious Consideration, the House resolved, 'Presently to send fourteen of the Peers, Messengers to the King, humbly to signify, that neither of the two Intentions expressed in the Letter, could, with Duty in them, or without Danger to himself, to his dearest Consort the Queen, and all the young Princes, their Children, possibly be complied with: All which being done accordingly, and the Reasons shewn to his Majesty, he suffered no more Words to

to come from them; but, out of the Fulness of his An. 17. Car. I.
Heart to the Observance of Justice, and for the 1641.
Contentment of the People, told them, *That what
he intended by his Letter was with an If, if it may
be done without Discontentment of my People; if that
cannot be, I say again, the same that I writ, fiat
Justitia.* My other Intention, proceeding out of Cha-
rity for a few Days Respite, was upon certain Infor-
mation that his Estate was so distracted, that it ne-
cessarily required some few Days for Settlement thereof,
Whereunto the Lords answered, ' Their Purpose
' was to be Suitors to his Majesty for Favour to be
' shewn to his innocent Children; and if himself
' had made any Provision for them, that the same
' might hold.'

This was well liking to his Majesty, who there-
upon departed from the Lords. At his Majesty's
Parting they offered up into his Hands the Letter
itself which he had sent; but he was pleased to say,
*My Lords, What I have written to you, I shall be
content it be registered by you in your House. In it
you see my Mind. I hope you will use it to my Honour.*

Upon the Return of the Lords to their House,
and the Report of this made, it was ordered, ' That
if any Copies of the King's Letter were desired, the
foregoing Lines, which were the Consequence of
the Letter, should be added to it.

The Names of the Lords that attended the
King on this Occasion, were, the Lord Chancellor,
Lord Privy Seal, the Earls of Bath, Essex, Dorset,
Sarum, Warwick, Cambridge, March, Bristol, Hol-
land, and Berks, Lord Viscount Say and Seal, and
Lord Wharton.

The same Day the Lords came to a Resolution,
to be Suitors to his Majesty in behalf of the Son,
Daughters, and Lady of the Earl of Strafford; that
in case there be no Provision made for them by the
said Earl, to present them to the King's Goodness,
and that he will be pleased to take them into his
Mercy and Consideration: Likewise to desire his
Majesty, That the Creditors of the said Earl, and
those

But address the
King in favour of
his Lady, Chil-
dren, &c.

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An. 17. Car. 1. those that have Petitions depending in this House
1641. for Reparations from him, for which there is a
Provision, or Order, made in this House, may be
taken into his Majesty's Consideration.

The Earl of
Strafford behead-
ed. *May 12.* On this Day, about Noon, the Earl of
Strafford was beheaded on *Tower-Hill*, the Manner
and Ceremony whereof are too well known to need
any Repetition in this Work; we shall therefore
content ourselves with the following Account of
his Behaviour upon the Scaffold, in Mr. *Whitlocke's*
own Words, whose Impartiality in this Matter is
not to be questioned: — "He made a most ingeni-
ous, charitable, and pious Speech and Prayer; gave
some Directions touching his Children; and died
with Charity, Courage, and general Lamentation.
Thus fell this Noble Earl, who, for natural Parts
and Abilities; for Improvement of Knowledge by
Experience, in the greatest Affairs; for Wisdom,
Faithfulness, and Gallantry of Mind, hath left few
behind him that may be ranked equal with him."

The same Day the Commons took into Con-
sideration the Affair of Deans and Chapters, &c.
when two Petitions from the Universities of *Ox-*
ford and *Cambridge* were read, and are as fol-
lows (a):

To the High and Honourable Court of Parliament,
The HUMBLE PETITION of the University of
OXFORD,

Sheweth,

Petition from the
University of Ox-
ford in favour of
Deans and Chap-
ters,

THAT whereas the University hath been informed of
several Petitions concerning the present Govern-
ment of this Church; and Maintenance of the Clergy,
which of late have been exhibited to this Honourable
Assembly; we could not but think ourselves bound in
Duty to God and this whole Nation, Charity to our-
selves

(a) From the Collection of Petitions, published by the King's
Command. London, printed for William Sheares, 1642.

seles and Successors, who have, and are like to have more than ordinary Interest in any Resolution that shall be taken concerning Church Affairs; in all Humility to desire the Continuance of that Form of Government which is now established here, and hath been preserved in some of the Eastern and Western Churches, in a continued Succession of Bishops, down from the very Apostles to this present Time; the like whereof cannot be affirmed of any other Form of Government in any Church: Upon which Consideration, and such other Motives as have already been represented to this Honourable Parliament from other Persons and Places, with whom we concur, in behalf of Episcopacy, we earnestly desire that you would protect that antient and apostolical Order from Ruin or Diminution.

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And we become further Suitors for the Continuance of those pious Foundations of Cathedral Churches, with their Lands and Revenues.

As dedicated to the Service and Honour of God, soon after the Plantation of Christianity in the English Nation:

As thought fit and useful to be preserved for that End, when the Nurseries of Superstition were demolished; and so continued in the last and best Times, since the blessed Reformation, under King Edward VI. Queen Elizabeth, and King James I. Princes renowned thro' the World for their Piety and Wisdom:

As approved and confirm'd by the Laws of this Land, antient and modern:

As the principal outward Motive and Encouragement of all Students, especially in Divinity, and the fittest Reward of some deep and eminent Scholars:

As producing or nourishing, in all Ages, many godly and learned Men, who have most strongly asserted the Truth of that Religion we profess, against the many fierce Oppositions of our Adversaries of Rome:

As affording a competent Portion, in an ingenious Way, to many younger Brothers of good Parentage, who devote themselves to the Ministry of the Gospel:

As the only Means of Subsistence to a Multitude of Officers and other Ministers, who, with their Families,

An. 17. Car. 1. milles, depend upon them, and are wholly maintained
1641. by them:

As the main Authors or Upholders of divers Schools, Hospitals, High-Ways, Bridges, and other publick and pious Works:

As special Causes of much Profit and Advantage to those Cities where they are situate, not only by relieving their Poor, and keeping convenient Hospitality, but by occasioning a frequent Resort of Strangers from other Parts, to the great Benefit of all Tradesmen and Inhabitants in those Places:

As the goodly Monuments of our Predecessors Piety, and present Honour of this Kingdom in the Eye of foreign Nations:

As the chief Support of many thousand Families of the Laity, who enjoy fair Estates from them in a free Way:

As yielding a constant and ample Revenue to the Crown:

And as by which many of the learned Professors of our University are maintained.

The Subversion or Alienation whereof must, as we conceive, not only be attended with such Consequences as will redound to the Scandal of many well-affected to our Religion, but open the Mouths of our Adversaries and of Posterity against us; and is likely, in Time, to draw after it harder Conditions upon a considerable Part of the Laity; an universal Cheapness and Contempt upon the Clergy; a lamentable Drooping and Defection of Industry and Knowledge in the Universities; which is easy to foresee, but will be hard to remedy.

May it therefore please this Honourable Assembly, upon these and such other Considerations as your great Wisdoms shall suggest, to take such pious Care for the Continuance of these Religious Houses, and their Revenues, according to the best Intentions of their Founders, as may be most to the Furtherance of God's Glory and Service, the Honour of this Church
and

and Nation, the Advancement of Religion and Learning, and the Encouragement of the modest Hopes and honest Endeavours of many hundred Students in the Universities,

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Who do and shall ever pray, &c.

Dat. Anno Dom. 1641, e Domino Convocationis, in celebri Convocatu Doctorum ac Magistrorum, omnibus & singulis assentientibus.

To the Honourable the KNIGHTS, CITIZENS, and BURGESSES of the House of Commons assembled in Parliament,

The HUMBLE PETITION of the University of CAMBRIDGE (b),

Sheweth,

That your Petitioners having heard of divers Suggestions offered to this Honourable Court, by way of Remonstrance, tending to the Subversion of Cathedral Churches, and Alienation of those Lands by which they are supported; being the antient Inheritance of the Church, founded and bestowed by the religious Bounty of many famous and renown'd Kings and Princes of this Land, and other Benefactors, both of the Clergy and Laity, and established and confirmed unto them by the Laws of this Kingdom; and so accordingly have been employed to the Advancement of Learning, the Encouragement of Students, and Preferment of learned Men, besides many other pious and charitable Uses: And from the University of Cambridge.

May it please this Honourable Court, out of their great Wisdom and tender Care for the Cherishing of Learning, and Furtherance of the Studies and Pains of those who have, and do devote themselves to the Service of the Church, graciously to protect and secure those Religious Foundations from Ruin and Alienation, and with-

(b) This Petition was annexed to a Latin Letter, (printed at large in Rushworth and Nasson) which concludes thus, *Quia Lingua Nativa Dolores & Desideria sua feliciter exprimit, annexam Literarum Petitionem benevolis Auribus excipietis.*

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withall to take Order that they may be reduced to the due Observation of their Statutes; and that all Innovations and Abuses, which have, by some Men's Miscarriages, crept in, may be reformed; that so the Students of our University, who, by the present Fears, both are and will be much discouraged, may be the better invited to pursue their Studies with Alacrity; and the Places themselves disposed to the most serviceable and deserving Men, according to their first Institution.

And your Petitioners shall ever pray, &c.

Dr. Hackett
heard at the Bar
on the Behalf of
Deans and Chap-
ters,

Then Dr. Hackett (c) and Dr. Burges (d), who attended by an Order of the House, were called in, and the former was admitted to speak in Favour of the Deans and Chapters, &c. which he did accordingly, to the following Purport. He shewed 'How much they tended to the Glory of God, the Advancement of true Religion, Promoting of Piety, Encouragement of Learning, and the Good of the Common-Wealth:—That, in the Beginning of the Reformation of this Church from *Popery*, it was Queen *Elizabeth's* great Care to place the most learned and able Men in the Cathedral Churches; and that from thence the great Light of the Reformed Religion spread itself over this Nation, by the constant Preaching that was maintained there every Lord's Day, besides a Weekly Lecture: That here were the Nurseries and Seminaries of Learning, there being a Grammar-School to every Cathedral: That the great Encouragement to Learning was the future Expectancy of Rewards, without which very few Persons would be induced to fit themselves for Sacred Functions: That the Labour and Industry must be great and long, and the Charges extraordinary, to qualify any Person for the Service of God and the Church; and that there-

(c) Archdeacon of *Bedford*, and Chaplain to Bp. *Williams*: He was promoted to the Bishoprick of *Litchfield* and *Coventry* at the Restoration.

(d) One of the Ministers who sign'd the Petition against Episcopacy, and an eminent Assertor of Presbyterian Church Government.

fore these Encouragements are not more than An. 17. Car. I. 1641. enough to invite Men to these chargeable and laborious Studies; — That the primitive Design of these Structures and Foundations, was, That the College of Presbyters might be as a Synod and Council to the Bishop, to assist him in the Exercise of his Jurisdiction; That they were greatly for the Honour of our Religion, being the first Monuments of Christianity in our Nation, dedicated to the Service of God, and set apart for the continual Exercise of Christianity; continual Prayers and Praises being there offered up to God Almighty for all Sorts and Conditions of Men.

* Then he proceeded to shew the Advantage of those Foundations, which the Church enjoyed by the religious Bounty of our devout Ancestors, whose Wills ought to be had in Veneration: As, *first*, To the Church's Tenants; who had very advantageous Leases, many Times not much different from Inheritance, paying only one Part in Seven, rather as an Acknowledgment than a Rent. *Secondly*, To the Cities wherein they were, by the great Resort and Concourse of People to those Places. *Thirdly*, To the Poor; who found there a constant Relief from their Hospitality. *Fourthly*, To the King's Revenues; for that, besides their First-fruits, Tenth, &c. no Sort of Men did more readily grant Subsidies to his Majesty, or were more willing, at this Time, to contribute to the public Charges of the Kingdom. — He trusted much, he said, in the Honour and Justice of this Honourable House, in regard that though they were accused of great and flagitious Crimes, yet he could not hear of the least Proof offered against them; and therefore he hoped that they, who professed so much Sincerity in Religion, would never have St. Paul's Censure deservedly laid upon them, *Thou that abhorrest Idols, dost thou commit Sacrilege?* Which he did not see how it could be avoided, if they destroyed these Religious Foundations, which were dedicated and set apart for the solemn Service and Honour of God. Concluding, That upon the Ruin of the Rewards of Industry and

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and Learning, no Structure could be raised but Ignorance; and, upon the Chaos of Ignorance, nothing but Confusion, Prophaneness, Irreligion, and Atheism.

And Dr. Burgess
against them.

The *Journals* take no Notice of this Argument of Dr. *Hacket*. But those Authorities tell us, That Dr. *Burgess* being called in, said, 'That he did agree to the several Propositions named by the Deans and Chapters; but whether Deans and Chapters, as they now stand, conduce to those Ends, is the Doubt; if they do not, whether they may not be employed to some other Way that does conduce to those Ends, is likewise another Question.'—*Nalson* adds, 'That Dr. *Burgess* inveighed against the singing of the Service, alledging, that thereby Devotion vanish'd into Quavers; that St. *Paul's* Hymns were *legentibus non cantantibus*; and run a long Harangue upon the necessary Use of Prayer and the Power of Preaching.'

This is all we meet with here of the Argument against Deans and Chapters.—Mr. *Rushworth* says, That Dr. *Burgess* made a large Answer to Dr. *Hacket*, but gives us none of his Arguments; However, this Deficiency will be supplied by the Speeches of some Members in the Sequel.

Explanation of a
Passage in the
late Protestation.

The same Day, in the Afternoon, the Commons *resolved*, upon the Question, 'That whereas some Doubts have been raised by several Persons, out of this House, concerning the Meaning of these Words contained in the *Protestation* lately made by the Members of this House, viz. *The true Reformed Protestant Religion, expressed in the Doctrine of the Church of England, against all Popery and Popish Innovations within this Realm, contrary to the same Doctrine*, this House doth declare, That by those Words was and is meant, only, the public Doctrine professed in the said Church, so far as it is opposite to *Popery* and *Popish* Innovations; and that the said Words are not to be extended to the maintaining of any

any Form of Worship, Discipline, or Government, An. 17. Car. 1.
nor of any Rites or Ceremonies of the said Church
of England. — A strong Preface of the Revolu-
tions in Church Government which followed soon
after.

May 13. The King came to the House of Lords
and gave the Royal Assent to the three following
Bills, viz.

1. *An Act for the further Relief of his Majesty's* The Royal Ar-
Army, and the Northern Parts of this Kingdom. sent given to the
2. *An Act for the better pressing and levying of* Subsidy-Bill, &c.
3. *An Act for abbreviating and limiting of Mi-*
chaelmas Term (c).

On presenting these Bills to the King, the Speaker
of the House of Commons made the following
Speech:

May it please your Most Excellent Majesty,

THE great Security of the Kingdom rests in
the happy Concurrence of the King and
People, in the Unity of their Hearts. The Speaker's
Speech to the
King on that
Occasion,

These joined, Safety and Plenty attend the
Sceptre; but divided, Distraction and Confusion,
as Briars and Thorns, over-spread and make the
Land barren; there is then no Peace to the King,
no Prosperity to the People. The Duties and
Affections of your Subjects are most transparent,
most clear, in the cheerful and most liberal Con-
tributions given to knit fast this Union with the
Bond of Peace.

The Treasures of the Privy-Purse are but the
Supplies of Princes, warranted by a common In-
terest; but the public Tribute, given by the com-
mon Assent, supports Royal Dignity, is sheltered
under

(c) We find the following Entry in the Journals of this Day,
That this House doth desire and hold it fit, that the Heir of Sir
Edward Coke do publish, in Print, his Commentary upon *Magna
Charta*, *The Pleas of the Crown*, and *The Jurisdiction of Courts*,
according to the Intention of the said Sir Edward Coke: And that
none but the Heir of the said Sir Edward Coke, or he that shall be
authorized by him, do presume to publish, in Print, any of the fore-
said Copies or Books.

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under the Wings of Prerogative, and by that Power is covered from the Eyes, from the Touch, of Deceivers.

In these we render *Cæsar* what is due to *Cæsar*, and Tribute to whom Tribute belongeth.

The proper Inscription of the Crown is borne here; and censures those malignant Spirits that dare whisper into the Ears of Sacred Majesty, that ourselves only; not your Sacred Person, nor your Royal Posterity, are the supreme Objects of the Givers.

The Preservation of the public Union, the Supply of your Armies, the Distresses, miserable Distresses, of the *Northern* Parts, the common Calamities of the Times, begat the Consideration of this Bill, the Remainder of the *fix entire Subsidies*; happily presented to your Sacred Majesty by this unworthy Hand.

The first Vote advanced a Credit to us, to issue them for the Use of your Sacred Majesty: The full Perfection adds Growth to that Credit; and enables us to return to your Sacred Majesty, as to the Ocean, the Tribute due to Justice and Sovereignty.

These are the Earnests of our vast Desires, which take their Rise from our due Regards for the Safety of your Throne, and of your Posterity.

Your Royal Assent stamps your Image here, and makes this yours, and yours only; which I, by the Command of the Commons, do humbly beseech your Majesty to grant.

May 14. The Commons, in a Committee on Ways and Means for raising the 400,000*l.* Tax, lately agreed to, *resolved*, upon the Question, 'That every Man's Land, of what Degree soever, or in whose Possessions the said Lands are, shall be tated towards the raising the *afore said Sum.*'

The same Day a Bill from the Commons, *For Restraining of Bishops, and Persons in Holy Orders, from Intermeddling in Secular Affairs*, was read a second Time by the Lords, and committed. Upon this

this Occasion the Lord Viscount *Newark* (f) spoke *Ans. 17. Car. I.*
as follows (g): *1641.*

My Lords,

I Shall take the Boldness, to speak a Word of Lord Newark's
two upon this Subject; first as it is in itself, *Speech against*
then as it is in the Consequence. *the Bill for re-*

For the former: I think he is a great Stranger *&c. from inter-*
in Antiquity, that is not well acquainted with the *meddling in Se-*
Bishops sitting here: They have done thus, and in *cular Affairs.*
this Manner, ever since the Conquest; and, by the
same Power and the same Right, the other Peers
did, and your Lordships now do: And to be put
from this their Due, so much their Due, by so
many hundred Years strengthened and confirmed;
and that without any Offence, nay Pretence of
any, seems to me to be very severe; if it be *Yes,*
I dare boldly say, it is *Summum*. That this hinders
their Ecclesiastical Vocation, an Argument I hear
much of, hath, in my Apprehension, more of
Shadow than Substance in it: If this be a Reason,
sure I am it might have been one six hundred Years
ago.

A Bishop, my Lords, is not so circumscribed
within the Circumference of his Diocese, as that
his Absence, sometimes, can be termed (no, not in
the most strict Sense) a Neglect or Hindrance of
his Duty, no more than that of a Lieutenant from
his County; they both have their subordinate Mi-
nisters, upon which their Influences fall, tho' the
Distance be remote.

Besides, my Lords, the lesser must yield to the
greater Good; to make wholesome and good Laws
for the happy and well-regulating of the Church
and Common-Wealth, is certainly more advan-
tageous to both, than the Want of the personal
Execution of their Office, and that but once in
three Years; and then, peradventure, but a Month
or two, can be prejudicial to either. I will go no

fur.

(f) So created *Ans. 3. Car. I.* Soon after advanced to the Dig-
nity of Earl of *Kingston*—Ancestor of the present Duke of *King-*
ston.

(g) From the original Edition, printed for *Abel Roper*, 1641.

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An. 17. Car. I. further to prove this, which so long Experience hath
1643. done so fully, so demonstratively.

‘And now, my Lords, by your Lordships good Leave, I shall speak to the Consequence, as it reflects both on your Lordships and my Lords the Bishops. Dangers and Inconveniences are ever best prevented *à longinquo*. This Precedent comes near to your Lordships, and such a one, that, *mutato Nomine, de Vabis*. Pretences are never wanting; nay, sometimes, the greatest Evils appear in the most fair and specious Outrides; witness the Ship-Money, the most abominable, the most illegal Thing that ever was; and yet this was painted over with the Colour of Law. What Bench is secure, if to alledge be to convince? And which of your Lordships can say then, He shall continue a Member of this House, when, at one Blow, twenty-six are cut off? It then behoves the Neighbour to look about him, *cum proximus ardet Usalegon*.

‘And for the Bishops, my Lords, in what Condition will you leave them? The House of Commons represents the meanest Person, so did the Master his Slave; but they have none to do so much for them: And what Justice can tie them to the Observation of those Laws, to whose Constitution they give no Consent? The Wisdom of former Times gave Proxies unto this House, merely upon this Ground, That every one might have a Hand in the making of that which he had an Obligation to obey. This House could not represent, therefore Proxies, in room of Persons, were most justly allowed.

‘And now, my Lords, before I conclude, I beseech your Lordships to cast your Eyes upon the Church, which I know is most dear and tender to your Lordships. You will see her suffer in her most principal Members, and deprived of that Honour which, here and throughout all the Christian World, ever since Christianity, she constantly hath enjoyed: For what Nation or Kingdom is there in whose great and public Assemblies, and that from her Beginning, she had not some of hers? If I may

not

not say as essential, I am sure I may say as integral, *An. 17. Car. I.*
1641. Parts thereof: And truly, my Lords, Christianity cannot alone boast of this, or challenge it only as hers, even Heathenism claims an equal Share.

‘I never read of any of them, Civil or Barbarous, that gave not thus much to their Religion; so that it seems to me to have no other Original, to flow from no other Spring, than Nature itself.

‘But I have done, and will trouble your Lordships no longer. How it may stand with the Honour and Justice of this House to pass this Bill, I most humbly submit unto your Lordships, the most proper and only Judges of them both.’

May 17. The House of Commons entered into Debate about the *Propositions* concerning Religion, delivered in by the *Scots* Commissioners; and it was *resolved*, ‘That this House doth approve of the Affection of their Brethren of *Scotland*, in their Desires of a Conformity in Church Government between the two Nations, and doth give them Thanks for it; and as they have already taken into Consideration the Reformation of Church Government, so they will proceed therein in due Time, as shall best conduce to the Glory of God and the Peace of the Church.’

The Commons approve the Scots Commissioners Propositions concerning Religion.

Mr. *Whitlocke* tells us, ‘That, this Day, divers great Officers of State surrender’d their Places, either accounting themselves insecure, or to satisfy others.

— Lord *Cottington* resign’d the Office of Master of the Court of Wards to the Lord *Say and Seal*. Several great Officers resign their Places.

Dr. *Juxon*, Bishop of *London*, deliver’d up his Staff as Lord High Treasurer; and that Office was put into the Hands of five Commissioners, the Lord Keeper, Lord Privy Seal, Lord Chief Justice of the *Common-Pleas*, Lord *Newburgh*, and Secretary *Vane*: The Earl of *Leicester* was made Lord Lieutenant of *Ireland*, in the room of the late Earl of *Strafford*: The Earl of *Essex*, Lord Chamberlain of the House

An. 17. Car. I. hold, on the Removal of the Earl of *Pembroke* :
 1641. And the Marquis of *Hertford* appointed Governor
 to the Prince, in the room of the Earl of *Newcastle*.

The great Plot, which had put the whole Nation in a Terror, seems now to have near subsided. Some Account is given in the *Lords Journals* of Mr. *Percy's*, one of the supposed Conspirators, being taken, but that he had made his Escape. The Tumults, however, still continued to a very high Degree, inasmuch that the Lords made an Order, May 18, 'That if the People will assemble in a tumultuous Manner, notwithstanding the late Orders and Proclamations, that this House would take a Course to suppress them, or adjourn the House untill it be done.'

Order of the
 Lords concerning
 Tumults.

On the same Day Mr. *Martin* reported from the Committee of Commons, concerning the Queen-Mother, what was proper to be delivered to the Lords at the next Conference, both for the Safety of her Person, and about the Tumult which lately happened near *Tower-Hill*, to this Effect :

'That they could not but join with their Lordships in Apprehension of Danger ; and therefore should agree to all good Means that might conduce to the Safety of her Majesty's Person ; holding themselves obliged thereto, as well by the Rules of public Faith and Honour, as for that special Interest this Kingdom hath in the Queen her Daughter and the Royal Issue : But fearing that all the Care that can be used, may prove insufficient for the Assurance of her Protection, and desirous to prevent the Blemish that may fall upon this Nation by any ill Accident, the Commons do intreat their Lordships humbly to represent these Things to his Majesty, that the Queen may be moved to depart this Kingdom ; the rather, for the quieting of the Jealousies in the Hearts of his Majesty's well-affected Subjects, occasioned by some ill Instruments about the Queen's Person ; by the crowding of *Priests* and *Papists* to her House, and by the Use and Practice of the Idolatry of the Mass, and Exercise of other superstitious

The Commons
 propose that the
 Queen-Mother
 should leave this
 Kingdom.

superstitious Services of the *Romish* Church, to the An. 17. Car. I.
great Scandal of true Religion, &c.' 1641.

May 21. A Bill For the utter abolishing and Sir Edward Dering brings in a
taking away of all Archbishops, Bishops, their Chan- Bill for the utter
cellors and Commissaries; Deans, Deans and Chap- Abolishing of Bi-
ters; Arch-Deacons, Prebendaries, Chanters, shops, Deans,
Canons, and all other their Under-Officers, was Prebendaries, &c.
brought into the House of Commons. It was
introduced by Sir Edward Dering; who, in a Col-
lection of his Speeches, published by himself (b),
makes the following Apology for it:

'This Bill was pressed into my Hand by Sir Ar-
thur Hasserig, being then brought unto him by
Sir Henry Vane and Mr. Oliver Cromwell.'

'He told me, He was resolved that it should go
in, but was earnestly urgent that I would present
it. The Bill did hardly stay in my Hand so long
as to make a hasty Perusal. Whilst I was over-
viewing it, Sir Edward Ayscough delivered a Petition
out of *Lincolnshire*, which was seconded by Mr.
Strode, in such a Sort, as that I had a fair Invitement
to issue forth the Bill then in my Hand. Hereupon
I stood up and said this, which, immediately after,
I reduced into Writing.

Mr. Speaker,

'THE Gentleman that spake last, taking No- His Speech on
tice of the Multitude of Complaints and that Occasion.
Complainants against the present Government of
the Church, doth somewhat seem to wonder that
we have no more Pursuit ready against the Persons
offending. Sir, the Time is present, and the Work
is ready, perhaps beyond his Expectation.

'Sir, I am now the Instrument to present unto
you a very short, but a very sharp, Bill; such as
these Times and their sad Necessities have brought
forth. It speaks a free Language, and makes a bold
Request: It is a purging Bill.

'I give it you as I take Physick; not for Delight,
but for a Cure: A Cure now; the last and only
Cure,

T 2

(b) London, printed by F. Eglesfield, 1642.

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An. 17. Car. I. Cure, if, as I hope, all other Remedies have first
1641. been tried,

*Cuncta prius tentanda, sed immedicabile Vulnus
Ense residendum est, ne Pars sincera trahatur.*

‘ I never was for Ruin, so long as I could hold any Hope of Reforming. My Hopes that Way are even almost withered.

‘ This Bill is entitled, *An Act for the utter abolishing and taking away of all Archbishops, Bishops, their Chancellors and Commissaries; Deans, Deans and Chapters, Archdeacons, Prebendaries, Chanters, Canons, and all other their Under-Officers.*

‘ Sir, you see their Demerits have exposed them *Publici Odii piaculares Victimæ*. I am sorry they are so ill; I am more sorry that they will not be content to be bettered; which I did hope would have been effected by our last Bill.

‘ When this Bill is perfected, I shall give a said *Aye* unto it: And, at the Delivery thereof, I do now profess before-hand, that if my former Hopes of a full Reformation may yet revive and prosper, I will again divide my Sense upon this Bill, and yield my Shoulders to under-prop the primitive, lawful, and just Episcopacy; yet so, as that I will never be wanting, with my utmost Pains and Prayers, to root out all the undue Adjuncts to it, and Superstructures on it. I beseech you read the Bill, and weigh well the Work.’

Lord Clarendon gives the following Account of this famous Bill. After mentioning it's being presented by Sir Edward Dering, he proceeds thus: (i)

Account of the
Debate thereon.

‘ As soon as the Title of it was read (which was almost as long as the Bill itself) it was moved with great Warmth, ‘ That the Bill might not be read: That it was against the Custom and Rule of the House of Commons, that any private Person should take upon him (without having first obtained the Leave and Direction of the House) to bring in a new Act, so much as to abrogate and abolish any old single Law; and therefore, that it was a wonderful

(i) *History of the Rebellion*, Vol. I. p. 187.

derful Presumption in that Gentleman, without any Communication of his Purpose, or so much as a Motion that he might do it, to bring in a Bill that overthrew and repealed so many Acts of Parliament, and changed and confounded the whole Frame of the Government of the Kingdom: And therefore desired, that it might be rejected.' The Gentleman, who brought it in, made many Excuses for his Ignorance in the Customs of Parliament, having never before served in any; and acknowledged, 'That he had never read more than the Title of the Bill; and was prevailed with by his Neighbour who sat next him, who was Sir *Arthur Haslerig*, to deliver it; which he saw would have been done by some-body else.' Though the Rejecting it was earnestly urged by very many, and ought, by the Rules of the House, to have been done, yet all the other People as violently pressed the Reading it; and none so importunately as Mr. *St. John*, who was, at this Time, the King's Solicitor (who in Truth had drawn it). He said, 'Nobody could judge of a Bill by the Title, which might be false; and this Bill, for ought any one knew to the contrary, at least for ought he and many others knew, might contain the Establishing the Bishops, and granting other Immunities to the Church, instead of pursuing the Matter of the Title.' And others as ingeniously declaring, 'That our Orders are in our own Power, and to be alter'd or dispensed with, as we see Cause: Many out of Curiosity desiring to hear it read; and more to shew the Lords that they would not abate their Mettle; upon their declaring their Pleasure, the Bill was at last read; and no Question being put, upon the first Reading, it was laid by, and not called upon in a long Time after: Many Men being really perswaded, that there was no Intention to pursue it; and that it was only brought in to manifest a Neglect towards the Lords.'

The Business of both Houses, for some Days after this, runs chiefly on the Treaty with the

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An. 17. Car. I. *Scots*, which still subsisted, and other Affairs not very material to our Purpose.
1641.

May 24. The Lords, in a Grand Committee, took into Consideration the Bill, *For restraining Bishops, and others in Holy Orders, from intermeddling in Secular Affairs*; when the Bishop of Lincoln (a) made the following Speech: (b)

My Lords,

Bp. Williams's
Speech against
the Bill for re-
straining Bishops,
&c. from inter-
meddling in Se-
cular Affairs.

I Shall desire as much Time of your Honourable Lordships, as your Lordships can well afford in a Committee, because all that I intend to speak in this Business must be to your Lordships only; as resolved, for mine own Part, to make hereafter no Remonstrance at all to his Most Excellent Majesty, for these several Reasons:

First, ' That I have had Occasion, of late, to know, that our Sovereign, whom God bless and preserve, is (I will not say above other Princes, but above all Christian Men that ever I knew or heard of) a Man of most upright, dainty, and scrupulous Conscience (c), and afraid to look upon some Actions, which other Princes abroad do usually swallow up and devour. I know, for I have the Monuments in my own Custody (d), what Oath, or rather Oaths, his Majesty hath taken at his Coronation, to preserve all the Rights and Liberties of the Church of *England*: And you know very well, that Churchmen are never sparing in their Rituals or Ceremonials, to amplify and swell out the Oaths of Princes in that Kind. Your Lordships then know right well, that he is sworn, at that Time,

to
(a) Lord Keeper of the Great-Seal, in the latter End of the Reign of King *James*, and the Beginning of this Reign.

(b) Printed by *William Godbid*, 1641. This Speech is not in any of the *Collectors* of these Times.

(c) This probably alludes to the King's Doubts and Perplexities about giving his Assent to the Bill of Attainder against the Earl of *Strafford*, which was pass'd only fourteen Days before this Speech.

— See this Bishop's Arguments upon that Occasion, p. 270.

(d) His Lordship was at this Time Dean of *Westminster*, which he held in *Commendam*, with his Bishoprick.

to observe punctually the Laws of King *Edward*. An. 17. Car. 1. 1641.
The first Law whereof, as you may see in *Lambard's Saxon Laws*, is to preserve entirely the Peace, the Possessions, and the Rights and Privileges of the Church: And truly I shall never put my Master's Conscience, that I find resenting and punctilious when it is not bound up with Oaths and Protestations, to swallow such Gudgeons, as to fill itself with these Doubts and Scruples.

Secondly, 'That if his Majesty were free from all these Oaths and Protestations, I durst not, without some fair Invitation from himself, advise his Majesty to run Shocks and Oppositions against the Votes of both these great Houses of Parliament.

Thirdly, and *lastly*, 'If I were secretly invited to move his Majesty to advise upon the passing of the Bill, yet, speaking mine own Heart and Sense, and not binding any of my Brethren in this Opinion, if I found the major Part of this House to pass this Bill without much Qualification, I should never have the Boldness nor Desire to sit more, in any judicial Place, in this most Honourable House.

'And therefore, my Honourable Lords, here I have fixed my *Areopagus*, and dernier Resort, being not like to make any further Appeal; which makes me humbly desire your Patience to speak for some longer Time than I have accustomed in a Committee: In which Length I hope, notwithstanding, to use a great deal of Brevity; some Length in the whole, and much Shortness in every particular Head; which I mean so to distinguish and beat out, that not only your Lordships, but the Lords my Brethren, may enlarge themselves upon all the Particulars; which neither my Abilities of Body can perform, nor doth my Intention or Purpose aim at, at this Time. I will therefore cast this whole Bill into six several Heads, wherein I hope to comprehend all that I shall say, or that any Man else can materially touch upon, in this Bill.

'The *First* is the Rise or Motive of this Bill; which is the Duty of Men in Holy Orders: For the

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the Words are, *Persons in Holy Orders ought not to intermeddle, &c.* And this Duty of Ministers may be taken, in this Place, two several Ways; either for their Duty, in point of Divinity; or for their Duty, in point of Convenience, which we commonly call Policy. In regard of either of these Duties, it may be conceived that Men in Holy Orders ought not to intermeddle in Secular Affairs, &c. And this is the Motive, Rise, and Ground of this Bill.

The Second Point is, the Persons concerned in this Bill; which are *Archbishops, Bishops, Parsons, Vicars, and all others in Holy Orders.*

The Third Point contains the Things inhibited, from this Time forward, to such Persons by this Bill; and they are of several Sorts and Natures:

First, Freeholds and Rights of such Persons; as their *Suffrages, Votes, and legislative Power in Parliament.*

Secondly, Matters of princely Favours; as to sit in the *Star-Chamber, to be called to the Council-Board, to be Justices of the Peace, &c.*

Thirdly, Matters of a mixed or concrete Nature, that seem to be both Freeholds, and Favours of former Princes; as the *Charters* of some of the *Bishops*, and some of the *antient Cathedrals* are conceived to be. And these are all the Matters, or Things, inhibited those Persons in Holy Orders, by this present Bill.

Fourthly, The Manner of this Inhibition, which is of a double Nature: 1st, Under a high and severe Penalty; and, 2^{dly}, Under a *Cain's Mark*; an eternal Kind of *Disability or Incapacity* laid upon them from enjoying, hereafter, any of these *Freeholds, Rights, Favours, or Charters of former Princes*; and that, which is the heaviest Point of all, without killing of *Abel*, or any Crime laid to their Charge, more than that, in the Beginning of the Bill, it is said, roundly, and in the Style of *Lacedæmon*, That they ought not to intermeddle in Secular Affairs.

The Fifth Point is a *Salvo* for the two *Universities*, but none for the *Bishop of Durham*, or for the

the Bishop of *Ely*; nor for the *Dean of Westminster*, their next Neighbour, who is established in his Government by an especial Act of Parliament, that of the 27th of Queen *Elizabeth*.

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'The *Sixth* and *last* Point is a *Salvo* for *Dukes, Marquisses, Earls, Viscounts, Barons or Peers* of this Kingdom, that either may be, or are such, by Descent. This Clause, I hope in God, will prove not only a *Salvo* to those Honourable Persons, (whereof if we of the Clergy were but so happy as to have any competent Number of our Coat,

— quot
Thebarum Portæ, vel diuitis ostia Nilis?

this Bill surely had perished in the Womb, and never come to the Birth;) but I hope that this Clause will prove to this Bill a *Felo de se*, a Murderer of itself; and tho' intended for a *Salvo* for noble Ministers only, prove a *Salvo* for all other Ministers that be not so happy as to be nobly born; because the very poor Minister, for ought we find in Scripture, or common Reason, is no more tied to serve God in his Vocation, than these *evangelists*, and nobly-born Ministers are: And therefore I hope these noble Ministers will deal so nobly, as to pull their Brethren, the poor Ministers, out of the Thorns and Briers of this Bill.

'These are all the true Heads and Contents of this Bill: And amongst these six Heads your Lordships shall be sure to find me, and I shall expect to find your Lordships, in the whole Tract of this Committee. And now, with your Lordships Honourable Leave and Patience, I will run them over, almost as briefly as I have pointed and pricked them down.

'For the first, The Rise and Motive of this Bill; which is the Duty of Men in Holy Orders not to intermeddle with Secular Affairs: It must arise either from a Point of Divinity, or from Point of Con-
Ground

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Ground, either of Divinity or Policy, to inhibit Men in Orders so modestly to intermeddle with Secular Affairs, as that the Measure of intermeddling in such Affairs, shall not hinder and obstruct the Duties of their Calling. They ought not so to intermeddle in Secular Affairs, as to neglect their Ministry: No more ought Laymen neither; for they have a Calling and Vocation, wherein they are to walk, as Ministers have; they have Wife and Children and Families to care for; and they are not to neglect these to live upon Warrants and Recognizances; to become a Kind of Sir *Francis Mitchel* (e), or an *Ignotus nimis*, as *Solomon* calls it.

‘ That Place, 2 *Tim.* ii. 4. *No Man that wars, entangles himself with the Affairs of this Life*, will be found to be applied, by all good Interpreters, to *Laymen* as well as *Churchmen*; and under Favour, nothing at all to this Purpose. Besides that the Word, *ἑμπλέκω*, doth point at a Man that is so wholly taken up with the Affairs of this Life, that he utterly neglects the Offices and Duties of a *Christian Man*; and so I leave that Place, as incapable of any other Exposition, nor ever otherwise interpreted, but by *Popes*, *Legates*, and *Canonists*, that make a Nose-of-Wax of every Place of Scripture they touch upon. — But that Men in Holy Orders ought not, in a moderate Manner, together with the Duties of their Calling, to help and assist in the Government of the Common-Wealth, if they be thereunto lawfully called by the Sovereign Prince, can never be proved by any good Divinity: For, in the Law of Nature, before the Deluge, and a long Time after, it is a Point that no Man will deny me, That the eldest of the Family was both the Priest and the Magistrate.

‘ When the People were taken out of *Egypt*, by *Moses* and *Aaron*; *Moses* and *Aaron* amongst his *Priests*, as it is in the Book of *Psalms*; then there was

(e) A Trading Justice of Peace, who was prosecuted in Parliament, in the 19th Year of King *James I.* for being a Monopolist. The whole Proceedings against him are to be found in our Fifth Volume, p. 408, *et seq.*

was a Form of Common-Wealth, fetch'd from An. 17. Car. I. 1641.
 Heaven indeed, and planted upon the Earth, and
 judiciary Laws dictated for the Reglement of the
 same. Nor do I much care though some Men
 shall say, That Persons in Holy Orders ought not to
 intermeddle in Secular Affairs, when the great
 God of Heaven and Earth did appoint them to in-
 termeddle with all the principal Affairs of that
 State; witness the exorbitant Power of the High
 Priest in Secular Matters, the *Sanhedrim*, the Twenty-
 three, the Judges of the Gate, which were, the most
 of them, Priests and Levites. And the Church-
 men of that State were not all Butchers and
 Slaughtermen; for they had their Tabernacle, their
 Synagogues, their Prayers, Preaching, and other
 Exercises of Piety. In a Word; we have *divinius*,
 but they had *operosius Ministerium*, as St. *Augustin*
 speaketh: Our Ministry takes up more of our
 Thoughts; but theirs took up more of their Labours
 and Industry. Nor is it any Matter that this Com-
 mon-Wealth is no more in being; it sufficeth it
 hath been once, and that planted by God himself,
 who would never have appointed Persons in Holy
 Orders, to intermeddle with Things they ought
 not to intermeddle withall.

‘ I will go on with my Chronology of Persons
 in Holy Orders, and only put you in mind of *Eli*
 and *Samuel*, amongst the Judges; of *Zadock*’s Em-
 ployment under King *David*; of *Jehoiadas* under
 his Nephew King *Joash*; and would fain know
 what Hurt those Men in Holy Orders did, by in-
 termeddling in Secular Affairs at that Time?

‘ Now we are returned from the Captivity of
Babylon; I desire you to look upon the whole Race
 of *Macchabees*, even to *Antigonus* the last of them
 all, taken Prisoner by *Pompey*, and crucified after-
 wards by *Mark Anthony*: And shew me any one
 of those Princes (a Woman or two excepted) that
 was not a Priest and a Magistrate.

‘ We are now come to Christ’s Time, when,
 methinks, I hear St. *Paul*, in the 23d of the *Acts*,
 excuse

AN. 27. Car. I. excuse himself for reviling of the High Priest: I
 1643. *wist not, Brethren, that he was the High Priest, for it is written, Thou shalt not speak Evil of the Ruler of thy People: Where observe, that the Word Ruler, in the Greek, is ἀρχιερα, the very same Word that is used by St. Paul, Rom. xiii. 3. where this Word ἀρχιερα is translated, by Beza, Magistrates.*

Next, you must be pleased to imagine the Church asleep, or almost dead, under Persecution, for almost three hundred Years, untill the happy Days of the Emperor *Constantine*, and not expect to find many Magistrates among the Christians: Yet shall you find St. Paul, 1 Cor. vi. 5. offend against this Bill, and intermeddle, knuckle deep, with Secular Affairs, by inhibiting the *Corinthians* very sharply, for their Chicanery, their Pettifoggery, and common Battery, in going to Law one with another. Besides that, as all learned Men agree, both the Apostles, and Apostolical Men that lived presently after them, had a miraculous Power of punishing exorbitant Crimes, which supplied the Power of the ordinary Magistrate; as appears in *Ananias and Saphyra*, the incestuous *Corinthian*, and many others.

Then from *Constantine's* Age, till the Reformation begun by *Luther*, Churchmen were so usually employed in managing of Secular Affairs, that I shall confess ingenuously, it was far too much; there lying an Appeal from the Courts of the Empire to the Bishops Judicatory, as you shall find it every where in the Code of *Justinian*. So was it under *Carolus Magnus*, and all the *Carolevingian* Line of our Neighbour Country of *France*. So, and somewhat more, it was with us, in the *Saxon Hoptarchy*; the Bishop and the Sheriff sitting together, cheek by jowl, in their Towns and Courts. But these exorbitant and vast Employments in Secular Affairs I stand not up to defend, and therefore I will hasten to the Reformation.

Mr. *Calvin*, in the Fourth Book of his *Institutions*, and Eleventh *Distinction* doth confess, That
 the

the Holy Men heretofore did refer their Controversies to the Bishop, to avoid Troubles in Law; and you shall find that, from *Luther* to this present Day, in all the Flux of Time, in all Nations, in all manner of Reformation, Persons in Holy Orders were thought fit to intermeddle with Secular Affairs. *Brentius* was a Privy Counsellor to his Duke and Prince: *Functius* was a Privy Counsellor to the Great Duke of *Borussia*, as it is notoriously known to those that are versed in History: *Calvin* and *Beza*, whilst they lived, carried all the Counsel of the State of *Geneva* under their own Gowns; and *Bancroft* (in his *Survey*, Cap. 26.) observeth, that they were of the Council of State there, which consisteth of threescore. I have myself known *Abraham Scultetus* a Privy Counsellor to the Prince *Palatine*: The Rev. Monsieur *Du Moulin*, for many Years together, a Counsellor to the Princes of *Sedan*: His Brother-in-Law, Monsieur *Rivel*, a great learned Personage now in *England*, of the Privy Council of the Prince of *Orange*. You have all heard (and I know much Good by his former Writings) of a learned Man called Mr. *Henderson*; and most of your Lordships understand, better than I, what Employment he hath, at this Time, in this Kingdom. And, truly, I do believe, that there is no Reformed Church in the World, settled and constituted by the State, wherein it is held for a Point in Divinity, That Persons in Holy Orders ought not to intermeddle with Secular Affairs.

‘ This is all I shall say of the Duty of Ministers, in point of Divinity.

‘ Now I come to the *second* Duty of Men in Holy Orders, in point of Conveniency or Policy.

‘ I am clearly of Opinion, that, even in this Regard and Reflexion, they ought not to be debarred from modestly intermeddling in Secular Affairs: For, if there be any such Inconveniency, it must needs arise from this, That to exercise some Secular Jurisdiction must be evil in itself, or evil

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to a Person in Holy Orders; which is neither so nor so: for the whole Office of a subordinate Civil Magistrate is most exactly described in *Rom. xiii. 3, 4.* and no Man can add or detract from the same. The Civil Power is a Divine Ordinance, set up to be a Terror to the Evil, and an Encouragement to good Works. This is the whole Compass of the Civil Power: And therefore I do here demand (with that most learned Bishop *Davenant* (f), that within a few Days did sit by my Side, in the *Eleventh Question* of his *Determinations*): What is there of Impiety, what of Unlawfulness, what unbecoming either the Holiness or Calling of a Priest, in terrifying the bad, or comforting the good Subject; in repressing of Sin, and punishing of Sinners? For this is the whole and intire Act of Civil Jurisdiction. It is, in its own Nature, repugnant to no Person, to no Function, to no Sort or Condition of Men; let them hold themselves never so holy, never so seraphical, it becomes them very well to repress Sin, and punish Sinners; that is to say, to exercise in a moderate Manner Civil Jurisdiction, if the Sovereign shall require it. And you shall find that this Doctrine of debarring Persons in Holy Orders from Secular Employments, is no Doctrine of the *Reformed*, but the *Papish Church*; and first brought into this Kingdom by the *Popes* of *Rome* and of *Lambeth*; as *Lanfranc*, *Anselme*, *Stephen Langton*, and the rest, together with *Otho* and *Othobon*; and to this only End, that the Man of *Rome* might withdraw all the Clergy of this Kingdom from their Obligations to the King and Nobility, who were most of them great Princes in those Times, and thereby might establish and create (as in a great Part he did) *Regnum in Regno*, a Kingdom of Shavelings in the Midst of this Kingdom of *England*: And hence came those Canons of mighty Consequence, able to shoot up a Priest, at one Shot, into Heaven; as that he must not meddle with Matters of Blood; that

(f) Bishop of *Salisbury*.

that he must not exercise Civil Jurisdiction, not be a Steward to a Nobleman in his House, and all the rest of this *Palea* and Garbage: That is, in plain *English*, the Priest must no longer receive Obligations from either King or Lords, but wholly depend upon his Holy Fathers, the *Pope of Rome* and the *Pope of Lambeth*; or at leastwise pay them soundly for their Dispensations and Absolutions, when they presume to do the contrary. In the mean time, here is not one Word or Shew of Reason, to inform an understanding Man, that Persons in Holy Orders ought not to terrify the Bad, and comfort the Good; to repress Sin, and chastise Sinners; which is the *Summa Totalis* of the Civil Magistracy; and consequently so far forth, at the least, to intermeddle with Secular Affairs.

* This is all that I shall say touching the Motive and Ground of this Bill, and that Persons in Holy Orders ought not to be inhibited from intermeddling in Secular Affairs, either in point of Divinity, or in point of Conveniency and Policy.

* The *second* Point consists of the Persons reflected upon in this Bill; which are *Archbishops, Bishops, Parsons, Vicars, and all others in Holy Orders*. Of this Point I shall say little; only finding these Names huddled up in an Heap, it made me conceive, at first, that it might have some Relation to Mr. *Bagshaw's* (g) reading in the *Middle-Temple*; which

(g) Member for *Southwark*, in this Parliament.—Mr. *Whitlocke* gives us the following Account of this Affair:

* Mr. *Bagshaw* was Reader of the *Middle-Temple*, in the Lent Vacation, this Year [1639]. He chose for his Statute to read upon 25. *Edward III. Cap. 7.*

* In his first Case he made one Point, *Whether it be a good Act of Parliament which is made without Assent of the Lords Spiritual?*

* The Reader argued affirmatively, 1. That they do not sit in Parliament as Bishops, but by reason of the Baronies annexed to their Bishopricks; which was done 5. *William I.* And all of them have Baronies, except the Bishop of *Man*, and he is not called to Parliament.

2. * He cited some Parliaments to be held without any Bishops, *Keilways's Reports*, 7. *Henry VIII. Fol. 184.* That the Presence of Bishops in Parliament is not necessary.

3. * That divers Acts have been made when the Bishops were present, and did not consent; as the Act of *Conformity*, 1. *Edward VI.* and of *Supremacy*, 1. *Elizabeth.*

4. * That

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I ever esteemed to have been very inoffensively delivered by that learned Gentleman, and, with little

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4. 'That in Parliament, tho' the Bishops dissent in any Matter, yet the major Part of the Barons agreeing in it, and the House of Commons concurring, it shall pass as an Act; because the Bishops Votes are over-ruled by the major Vote of the Barons.

5. 'That the Bishops cannot sit, in case of Blood, in Judicature; but they may sit to enact Laws, yet not to give Assent for Execution of them, in case of any Murder or Blood.

'In his second Case he had this Point, *Whether any beneficed Clerk was capable of Temporal Jurisdiction, at the Time of making that Law?*

To this he argued in the Negative, 1. That the first Clergymen that ever were made Justices of the Peace, or had Power in Temporal Jurisdiction, were the Bishops of *Durham* and *York*, 34. *Edward III.* nine Years after this Act; so not a *Principio*, but a *Tempore*.

2. 'That before the Statute of *Conformity*, 1. *Edward VI.* the Clergy were not put in Commission for Temporal Power; and the Reason of their being then admitted, was to persuade the People to Conformity, not to give Judgment against them.

3. 'If in Conscience (because of their Spiritual Calling) they hold it not fit for them to meddle in Temporal Causes, they may refuse.

'In his third Case he had this Point, *Whether a Bishop, without calling a Synod, hath Power, as Diocefan, to convict an Heretic?*

To this he argued in the Negative, That altho', by the bloody Statute of 2. *Henry IV.* some supposed Grounds may be raised for maintaining of that Authority, yet it is not full; and besides, which is the main Reason, the Commons did not assent to the making of that Law: For he said, he had searched the Records, and found that Act only past by Consent of the Lords Spiritual and Temporal, and the Commons not mentioned therein.

His Arguments being reported at Court, he was commanded not to proceed in his Reading. He repaired to the Lord Keeper with the Heads of his Arguments, who said, *It was good Law, but not seasonably delivered; and that, as he was prohibited by the King, so he must have his Licence, or else he could not proceed in his Reading; and advised him to move Archbishop Laud therein.*

After the Reader had twice attended at *Lambeth*, without Admittance, the third Time he spake with the Archbishop, who told him, *That he had fallen upon an unfit Subject, and in an unreasonable Time; and that it would stick closer to him than he was aware of.*

The Reader excused himself, *That he had chosen this Statute two Years before, and could not alter suddenly what he had before framed: That the Business about Bishops in another Kingdom did not concern this: And that he had no ill Intentions.*

The Archbishop answered, *That perhaps he had done better to have given it quite over at the first, than to suffer by it, as he was like to do.*

The Reader replied, *That what he had delivered was good Law, and he was able to maintain it, and would stand by it; and hoped he need not to fear any Man's Power, in regard his Cause was lawful and warrantable; but he humbly desired his Majesty's Leave to finish what he had begun.*

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Discretion questioned by a great Ecclesiastic, then in Place: For all that he said amounted only to this, *That when the Temporal Lords are more in Voices than the Spiritual, they may pass a Bill without Consent of the Bishops*; which is an Assertion so clear in Reason, and so often practised upon the Records and Rolls of Parliament, that no Man, any way versed in either of these, can make any Doubt of it; nor do I: Tho' I humbly conceive no Precedent can be found that the Prelates were ever excluded, otherwise than by their own Folly, Fear, or Headiness. As for the Point of being Justices of the Peace, the Gentleman confesseth, 'He never meddled with Archbishops, nor Bishops, nor with any Clergyman, made a Justice by his Majesty's Commission.' In the Statute made 34. Edward III. Cap. 1. he finds, Assignees for keeping of the Peace, one Lord, and, with him, three or four of the most worthy Men of the County: The troublesome Times did then so require it; and if God do not bless us with the Riddance of these two Armies, the like Provision will be now as necessary. He finds these Men included, but doth not find Churchmen excluded; no not in the Statute, 13. Richard II. Cap. 7. that requires Justices of Peace to be made of Knights, Esquires, and Gentlemen of the Law, of the most sufficient of each County: In which Words the Gentleman thinks Clerks were not included; and I clearly say, by his Favour, they are not excluded; nor do the learned Sages of the Law conceive them to be excluded by that Statute. If the King shall command the Lord Keeper to fill up the Commissions of each County with the most sufficient Knights, Esquires, and Gentlemen of the Law, shall the Lord Keeper thereupon exclude the Noblemen and the Prelates? I have often, in my Days, received this Command, but never heard of

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'The Archbishop said, His Majesty had otherwise resolved of it. So the Reader came away, and shortly after went out of Town, accompanied with 40 or 50 Horse, and in good Credit with the Gentlemen of that Society.

Memorial, p. 31.

An. 17. Car. I. this Interpretation before this Time ; so that I cannot conceive from what Ground this general Sweep-stake of Archbishops, Bishops, Parsons, Vicars, and all others in Holy Orders, should proceed.

‘ I have heard, since the Beginning of my Sickness, that it hath been alledg’d in this House, That the Clergy, in the sixth of King *Edward III.* did disavow that the Custody of the Peace did belong to them at all ; and I believe that such a Thing is to be found amongst the Notes of the Privileges of this House : But first you must remember, that it was in a great Storm, and when the Waters were much troubled, and the wild People unapt to be kept in order by Mitres and Crosier-staves : But yet if the Noble Lord, who urged this Argument, shall be pleased to cast his Eye upon the Roll itself, he shall find that this poor Excuse did not serve the Prelates Turns ; for they were compelled, with a Witness, to defend the Preservation of the Peace of the Kingdom, for their Part, as well as the Noblemen and Gentry ; and you shall find the Ordinance to this Effect set down upon that Roll. I conclude, therefore, That the Sweeping of all the Clergy out of Temporal Offices, is a Motion of the first Impression, and was never heard of in the *English* Common-Wealth, before this Bill.

‘ I come, in the *third* Place, to the main Part of this Cause, the Things to be severed from all Men in Holy Orders, which are, as I told you, of three Kinds. *First*, Matters of Freehold ; as the *Bishops Votes in Parliament and Legislative Power*. *Secondly*, Matters of Favour ; as, *to be a Judge in the Star-Chamber, to be a Privy-Counsellor, to be a Justice of Peace, or a Commissioner in any Temporal Affairs*. *Thirdly*, and mixt Matters of Freehold and Favour too ; as the *Charters of some Bishops*, and many of the *antient Cathedrals* of this Kingdom, who allow them a Justice or two within themselves, or their Close, as they call it ; and exempt those grave and learned Men from the Rudeness and Insolency of Tapsters, Brewers, Inn-keepers, Taylors, and Shoe-makers, which do in-

integrate and make up the Bodies of our Country-
Cities and Incorporations. — But now is the Axe
laid to the very Root of the Ecclesiastical Tree;
and, without your Lordships Justice and Favour,
all the Branches are to be lopt off quite, with these
latter Clauses; the Stock and Root itself is to be
quite grubb'd and digg'd up, by that first Point of
abolishing all Votes and Legislative Power in all
Clergymen; leaving them to be no longer any
Part of the People of *Rome*, but meer Slaves and
Bondmen to all Intents and Purposes: Thus will
the Priests of *England* be one Degree inferior to
the Priests of *Jeroboam*, being to be accounted
worse than the Tail of the People.

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‘ Now I hope no *Englishman* will doubt, but
this Vote and Representation in Parliament is not
only a Freehold, but the greatest Freehold that
any Subject in *England*, or in all the Christian
World, can brag of at this Day; that we live un-
der a King, and are to be governed by his Laws;
that is, not by his arbitrary Edicts or Rescripts, but
by such Laws confirmed by him, and assented to
by us, either in our proper Persons, or in our As-
signees and Representations. — This is the very
Soul and Genius of *Magna Charta*; and without
this one Spirit, that great Statute is little less than
Litera occidens, a dead and useless Piece of Paper.

‘ You heard it most truly opened unto you, by
a wise and judicious Peer of this House, that *Legem
patere quam ipse tuleris*, was a Motto wherein *Alex-
ander Severus* had not more Interest than every
true-born *Englishman*. No Forty-Shillings-Man in
England but doth in Person, or Representation, en-
joy this Freedom and Liberty. The Prelates of this
Kingdom, as a Looking-glass and Representation
of the Clergy, (a third Estate, if we may speak
either with Sir *Edward Coke*, or antient Acts of
Parliament) have been in Possession hereof these
thousand Years and upwards. The Princes of the
Norman Race, for their own Ends, and to strength-
en themselves with Men and Money, erected the
Bishopricks, soon after the Conquest, into Baronies,

An. 17. Car. I. and left them to sit in that House with their double Capacities about them; the latter, invented for the Benefit of the Prince, not excluding the former, but remaining always, from the Beginning, for the Profit of the State Ecclesiastical; which appears, not only by the *Saxon* Laws set forth by Mr *Lambard* and Sir *Henry Spelman*, but also by the Bishops Writs and Summons to Parliament, in Use to this very Day.

We have many Precedents, upon the Rolls, that in Vacancy of Episcopal Sees, the Guardian of the Spirituals, though but a simple Priest, hath been called to sit in this Honourable House, by reason of that former Representation; and such an Officer I was myself over that See (whereof I am Bishop) some twenty-five Years ago; and might then have been summoned by Writ unto this Honourable House, at that very Time, by reason of the Spirituality of that Diocese, which then I did, by virtue of the aforesaid Office, represent.

Most Noble Lords, look upon the Ark of God Representative, that at this Time floats in great Danger, in this Deluge of Waters: If there be any *Cham*, or unclean Creature therein, out with him, and let every Man bear his own Burthen; but save the Ark, for God and Christ Jesus his Sake, who hath built it in this Kingdom, for saving of the People. And your Lordships are too wise to conceive that the Word and Sacraments, the Means of our Salvation, will be ever effectually received from those Ministers, whose Persons shall be so vilified and defected, as to be made no Parcels or Fragments of this Common-Wealth: 'No, saith *Gregory*, 'the last Trick the Devil had in this World was 'this, that, when he could not bring the Word and 'Sacraments into Disgrace by Errors and Heretical Opinions, he invented this Project, (and much 'applauded his Wit therein) by casting Slight and 'Contempt upon the Preachers and Ministers.'—My Noble Lords, you are too wise to believe what the Common People talk, That we have a Vote in the Election of Knights and Burgesses, and, consequently

sequently, some Figure and Representation in the An. 17: Car. I.
House of Commons. They of the Ministry have no 1641.
Vote in these Elections, they have no Representa-
tion in that Honourable House; and these con-
trary Assertions are so slight and groundless, as I
will not offer to give them any Answer: And
therefore, my Lords, have a special Care of the
Church of *England*, your Mother, in this Point;
and as God hath made you the most Noble of all
the Peers of the Christian World, so do not you
give way, that our Nobility shall be taught hence-
forth, as the *Romans* were, in the Time of the
first and second *Punic* Wars, by their Slaves and
Bond-men only; and that the Church of God, in
this Island, may come to be served by the most
ignoble Ministers that ever have been seen in the
Christian Church, since the Passion of our Saviour.

So much for the *first* Thing, which this Bill
intends to sever from Persons in Holy Orders, *viz.*
Votes and Representations in Parliament. The next
Thing to be sever'd from them by this Bill, is of
a much baser Metal and Alloy, *Sitting in the Star-
Chamber, Sitting at Council-Table, Sitting in Com-
missions of the Peace, and other Commissions of Se-
cular Affairs.* These are such Favours and Graces
of Christian Princes, as the Church may have a
Being and Subsistence without them: The Fortunes
of our *Greece* do not depend upon these Spangles;
and the Sovereign Prince hath imparted and with-
drawn these Kind of Favours, without the Envy
or Regret of any wise Ecclesiastical Persons. But,
my Noble Lords, this is the Case; our King hath,
by the Statute, restored unto him the Headship (b)
of the Church of *England*; and, by the Word of God,
he is *Custos utriusq; Tabule*: And will your Lord-
ships allow this Ecclesiastical Head, no Ecclesiastical
Senies at all? No Ecclesiastical Person to be con-
sulted withall, not in any Circumstances of Time
and Place? If *Craumer* had been thus dealt withall,
in the Minority of our young *Josias*, King *Ed-
ward VI.* of pious Memory, what had become of

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(b) Anno 26. Hen. VIII. et 1. Eliz.

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I that great Work of our Reformation, in this flourishing Church of *England*?—But I know before whom I speak.—I do not mean to dine your Lordships with Coleworts:—The harsh Consequences of this Point your Lordships do understand as well as I.

* The last Robe that some Persons, in Holy Orders, are to be stript of, hath a Kind of Mixture of Freehold and Favour; proper Right, and of the Graces of the King. These are certain old *Charters*, that some few *Bishops*, and many antient and *Cathedral Churches* have purchased or procured from the antient Kings, before and since the Conquest, to enable them to live quiet in their own Precincts and Close (as they call it) under a Justice or two of their own Body, without being abandoned, upon every slight Occasion, to the Injuries and Vexations of Mechanical Tradesmen; of which, your Lordships best know these Country Incorporations do most consist. Now, whether these few *Charters* have their Foundation by Favour or by Right, I should conceive, under your Lordships Favour, it is neither Favour nor Right to take them away, without some just Crime objected and proved: For, if they be abused in any Particular, Mr Attorney General can find an ordinary Remedy to repair the same by a Writ of *Ad quod Damnum*, without troubling of the two Houses of Parliament: And this is all I shall speak to this Point.

* And now I come to the *fourth* Part of this Bill, which is the *Manner of Inhibition*; heavy every Way, heavy in the Penalty, heavier a great deal in the Incapacity, the most weighing of all Penalties, Will you consider, I beseech you, the small Wires, that is, poor Causes, that are to induce the same, and, then the heavy Lead that hangs upon these Wires. It is thus, If a natural Subject of *England*, interested in *Magna Charta*, and the *Petition of Right*, as well as any other, yet being a Person in Holy Orders, shall happen unfortunately to vote in Parliament; to obey his Prince, by way of Council; or, by way of Commissioner, be required there-

thereunto; then is he presently to lose and forfeit, An. 27. Car. I.
 for his first Offence, all his Means and Livelibood 1641.
 for one Year; and, for the second, to forfeit his
 Freehold, in that Kind, for ever and ever. I do
 not believe that your Lordships ever saw such an
 heavy Weight of Censure hang upon such thin
 Wires of Reasons, in any Act of Parliament made
 heretofore. This, peradventure, may move others
 most, but it does not me. It is not the Penalty,
 but the Incapacity, and, as the Philosophers call
 it, the natural Impotency, imposed by this Bill on
 Men in Holy Orders, to serve the King or the
 State in this Kind, be they otherwise never so able,
 never so willing, nor never so virtuous; which
 makes me draw a Kind of *Timanthes's* Veil over this
 Point, and leave it, without any Amplification at
 all, unto your Lordships wise and inward Thoughts
 and Considerations.

* The *fifth* Point is the *Salvo* made for the *two*
Universities, to have Justices of the Peace amongst
 them of their own Heads of Houses; which I con-
 fess to be done upon mature and just Considera-
 tion: For, otherwise, the Scholars must have gone
 for Justice to those Parties to whom they go for their
 Mustard and Vinegar: But yet, under Favour, the
 Reasons and Inducements cannot be stronger, than
 may be found out for other Ecclesiastical Persons;
 as the Bishop of *Durham*, who was, ever since
 the Days of King *John*, suffered by the Princes and
 Parliaments of *England*, to exercise Justice upon
 the Parties in those Parts, as being in Truth the
 King's Subjects, but the Bishops Tenants; and
 therefore not likely to have their Causes more duly
 weighed, than when the Balance is left in the Hand
 of their own proper Landlords. The Case of the
 Bishop of *Ely*, for some Parts of that Isle, is not
 much different; but, if a little Partiality doth not
 herein cast some Mist before mine Eyes, the Case
 of the Dean and City of *Westminster*, where this
 Parliament is now Sitting, is far more considerable,
 both in the Antiquity, Extent of Jurisdiction, and
 the Warrants whereupon it is grounded, than any
 one

An. 17. Car. I. 1643. one of those Places before-mentioned : For there is a clear Statute made, in 27. *Eliz.* for the drawing all *Westminster*, *St. Clement's*, and *St. Martin's le Grand, London*, into a Corporation, to be ruled by a Dean, a Steward, twelve Burgesſes, and twelve Aſſiſtants. And if ſome Salve, or Plaister, ſhall not be applied unto *Westminster* in this Point, all that Government and Corporation is at an End : — But this I perceive, ſince, is taken into Conſideration by the Honourable Houſe of Commons themſelves.

I come now to the *laſt* Point, and the ſecond *Salvo* of this Bill ; which is for Dukes, Marquiſſes, Earls, Viſcounts, Barons, or Peers of this Kingdom, which is a Clause that looks with a kind of contrary Glance upon Perſons in Holy Orders. It ſeems to favour ſome ; but ſo that thereby, and in that very Act, it caſts an Aſperſion of Baſeneſs and Ignobility upon all the reſt of that Holy Profeſſion : For if no Perſons in Holy Orders *ought* to intermeddle in Secular Affairs, how come theſe Nobles to be excepted out of that univerſal Negative ? Is it becauſe they are nobly born ? Then, ſurely, it muſt be granted that the reſt muſt be excluded, as being made of a rougher and baſer Piece of Clay : For the ſecond Part of this Reaſon, in the Beginning of the Bill, can never bear out this *Salvo*, ' That the Office of the Miniſtry is of ſo great Importance, ' that it will take up the *whole Man*, and *all* his ' beſt Endeavours.' Surely the Office of the Miniſtry is of no greater Importance in a poor Man, than in a Nobleman ; nor doth it take away the whole Man in the one, and but a Piece of him in the other. I cannot give you many Inſtances herein out of Scripture, becauſe you know that, in thoſe Days, *not many Mighty, not many Noble were called*, &c. 1 *Cor. i. 26*. But when any Noble were called, I do not find but they did put more of the whole Man and their beſt Endeavours upon the Miniſtry, than other Men in Holy Orders are, at the leaſt in Holy Scripture, noted to have done. I put your

your Lordships in mind of those Noblemen of *Be-
raa*, compared with those of *Thessalonica*, in the
17th of the *Acts of the Apostles*: So that this *Salvo*
for the Nobility must needs be, under your Lord-
ships Favour, a secret Wound unto the rest of the
Ministry; unless your Lordships, by your great
Wisdom, would be willing to change it into a Pa-
nacea and common Plaister, both to the one and
the other; and, under your Lordships Favour, I
conceive it may be done upon a very forcing Argu-
ment. The Office of the Ministry is of equal Im-
portance, and takes up the whole Man and all his
best Endeavours in the *noble-born*, as well as in the
mean-born Minister: But, if it is lawful, all this
notwithstanding, for the *noble-born* Ministers to
intermeddle with Secular Affairs; is it not likewise
lawful for the *mean-born* so to do? In my Con-
science I speak it, in the Presence of God and
your Lordships, it is most lawful for them to inter-
meddle with Secular Affairs; if they be not so in-
tangled, as the Apostle calls it, with this Inter-
meddling, as to slight and neglect the Office of
their Calling, which no Minister, Noble or Igno-
ble, can do without grievously sinning against God
and his own Conscience. It is lawful for Persons
in Holy Orders to intermeddle; it is without Que-
stion; but for them to make Provision of Meat
and Drink, as *Beza* interprets the Place, it is not
lawful for them to be thus intangled and bound up
with Secular Affairs. This I humbly beseech your
Lordships to consider, not as a Distinction invented
by me, but clearly expressed by the Apostle him-
self.

‘ And thus, my Noble Lords, I shall, without
any further Molestation, and with humble Thanks
for your great Patience, leave this great Cause of the
Church to your Lordships wise and gracious Con-
sideration. Here is my *Mars-Hill*, and further I
shall never appeal for Justice. Some Assurance I
have, from the late solemn Vote and Protestation
of both Houses, for the maintaining and defending
the

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the Power and Privileges of Parliament, that if this Bill were now to be framed in the one House, it would never be offered without much Qualification, as I persuade myself it will not be approved, in the other.

Parliaments are indeed omnipotent; but no more omnipotent than God himself; who, for all that, cannot do every Thing. God cannot but perform his Promise. A Parliament, under Favour, cannot unswear what it hath already vowed. This is an old Maxim, which I have learned of the Sages of the Law, *A Parliament cannot be Felo de se: It cannot destroy or undo itself.*

An Act of Parliament (as that made in the 11th, and another in the 21st of *Richard II.*) made to be unrepealable in any subsequent Parliament, was, *ipso facto*, void in the Constitution. Why? Because it took away the Power and Privileges; that is, not the Plumes and Feathers, the remote Accidents, but the very specifical Form, Essence, and Being of a Parliament: So, if an Act should be made to take away the Votes of all the Commons, or of all the Lords, it were absolutely a void Act.

I will conclude with the First Epistle to the *Corinthians*, Chap. xii. 15. *If the Foot shall say, because I am not the Hand, I am not of the Body; is it therefore not of the Body?*

Verse 20. *But now are they many Members, yet but one Body.*

Verse 21. *And the Eye cannot say unto the Hand, I have no need of thee; nor again the Head unto the Feet, I have no need of you.*

In answer to the Bishop of *Lincoln*, the Lord Say and Sele spoke as follows: (i)

Lord Say and Sele's Speech in Defence of the Bill for restraining Bishops, &c. from intermeddling in Secular Affairs.

My Lords,

I Shall not need to begin as high as *Adam*, in answer to what hath been drawn down from thence, by a Bishop, concerning this Question; for that

that which is pertinent to it will only be what concerns Bishops, as they are Ministers of the Gospel; what was before, being of another Nature, can give no Rule to this.

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• The Question that will lie before your Lordships in passing of this Bill, is not, Whether Episcopacy (I mean this Hierarchical Episcopacy which the World now holds forth to us) shall be taken away Root and Branch; but whether those exuberant and superfluous Branches, which draw away the Sap from the Tree, and divert it from the right and proper Use whereby it becomes unfruitful, shall be cut off, as they use to pluck up Suckers from the Root.

• The Question will be no more but this, Whether Bishops shall be reduced to what they were in their first Advancement over the Presbyters, (which altho' it were but a Human Device for the Remedy of Schism, yet were they in those Times least offensive) or continue still, with the Addition of such Things as their own Ambition, and the Ignorance and Superstition of succeeding Times, did add thereunto, and which are now continued for several politic Ends: Things heterogeneous, and inconsistent with their Calling and Function, as they are Ministers of the Gospel; and thereupon, such as ever have been, and ever will be hurtful to themselves, and make them hurtful to others in the Times and Places where they are continued; these Things, alone, this Bill takes away; that is, their Offices and Places in Courts of Judicature, and their Employments, by Obligation of their Office, in Civil Affairs.

• I shall insist upon this, to shew, *first*, how these Things hurt themselves; and, *secondly*, how they have made, and ever will make them hurtful to others. They themselves are hurt thereby in their Consciences and in their Credit: In their Consciences, by seeking or admitting Things which are inconsistent with that Function and Office which God hath set them apart unto. They are separated unto a special Work, and Men must take heed how

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1. how they misemploy Things dedicated and set apart to the Service of God. They are called to preach the Gospel, and set apart to the Work of the Ministry: And the Apostle saith, *Who is sufficient for these Things?* shewing that this requireth the whole Man, and all is too little. Therefore, for them to seek, or take, other Offices which shall require and tie them to employ their Time and Studies in the Affairs of this World, will draw a Guilt upon them, as being inconsistent with that which God doth call them and set them apart unto. In this Respect our Saviour hath expressly prohibited it, telling his Apostles, That they should not lord it over their Brethren, *nor exercise Jurisdiction over them*, as was used in Civil Government among the Heathens. These were called gracious Lords, and exercised Jurisdiction as Lords over others; and sure they might lawfully do so: But, to the Ministers of the Gospel, our Saviour gives this Rule, *It shall not be so among you*: And, in another Place, he saith, *He that putteth his Hand to the Plough, and looketh back (to the Things of this World) is not fit for the Kingdom of God*; that is the preaching of the Gospel, as it is usually called.

To be thus withdrawn by infangling themselves with the Affairs of this Life, by the Necessity and Duty of an Office received from Men, from the Discharge of that Office which God hath called them unto, brings a Woe upon them. *Woe unto me*, saith the Apostle, *if I preach not the Gospel*. What doth he mean? If I preach not once a Quarter, or once a Year, in the King's Chapel? No; he himself interpreteth it; *Preach the Word; be instant, in Season and out of Season; rebuke, exhort, or instruct, with all long Suffering and Doctrine*.

He that hath an Office must attend upon his Office, especially this of the Ministry. The Practice of the Apostles is answerable to the Direction and Doctrine of our Saviour. There never was, nor will be, Men of so great Abilities and Gifts as they were indued withall; yet they thought it so inconsistent with their Callings, to take Places of

Judi-

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 and Employments upon them, that they would not admit of the Care and Distraction that a Business, far more agreeable to their Callings, than these would cast upon them; and they give the Reason of it in the 6th of *Acts*, *It is not Reason that we should leave the Word of God, and serve Tables.* And again, when they had directed their Disciples to chuse Men fit for that Business, they instituted an Office for taking Care of the Poor, lest they, by it, should be distracted from the principal Work of their Calling; and then shew how they ought to employ themselves, *But we will give ourselves continually to Prayer, and to the Ministry of the Word.* Did the Apostles, Men of extraordinary Gifts, think it unreasonable for them to be hindered from giving themselves continually to preaching the Word and Prayer, by taking Care for the Tables of the poor Widows; and can the Bishops now think it reasonable, or lawful, for them to contend for sitting at Council-Table; to govern States; to turn Statesmen instead of Churchmen; to sit in the highest Courts of Judicature, and to be employed in making Laws for Civil Polities and Government? If they shall be thought fit to sit in such Places, and will undertake such Employments, they must not sit there as ignorant Men, but must be knowing Men in Business of State, and understand the Rules and Laws of Government; and thereby, both their Time and Studies must be necessarily diverted from that which God hath called them unto: And this, sure, is much more unlawful for them to admit of, than that which the Apostles rejected as a Distraction unreasonable for them to be interrupted by.

The Doctrine of the Apostles is agreeable to their Practice herein; for *Paul*, when he instructeth *Timothy* for the Work of the Ministry, presseth this Argument from the Example of a good Soldier: *No Man that warreth, entangleth himself with the Affairs of this Life.*

Hence

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‘ Hence I conclude, that what is, by the Commandment of our Saviour, by the Practice and Doctrine of the Apostles, and I may add, by the Canons of antient Councils grounded thereupon, prohibited to the Ministers of the Gospel, and shewed to be such a Distraction unto them from their Callings and Function, as will bring a Woe upon them, is not reasonable for them to admit of : And if they shall, notwithstanding, entangle themselves withall, and enter into, it will bring a Guilt upon their Souls, and hurt them in respect of their Consciences.

‘ In the next Place, it doth blemish them, and strike them in their Credit. So far from Truth is that Position which they desire to possess the World withall, ‘ That unless they may have these outward ‘ Trappings of worldly Pomp added to the Ministry, that Calling will grow into Contempt, and ‘ be despised :’ For the Truth is, these Things cast Contempt upon them in the Eyes of Men; they gain them Cap and Courtesy, but they have cast them out of the Consciences of Men. The Reason of this is plain : Every Thing is esteemed as it is eminent in its own proper Excellency ; the Eye in Seeing, not in Hearing ; the Ear in Hearing, not in Speaking ; the one would be rather monstrous than comely ; the other is ever acceptable, being proper. So is it with them : Their proper Excellency is spiritual ; the Denial of the World, with the Pomp and Preferments, and Employments thereof. This they should teach and practice : But when they, contrary hereunto, seek after a worldly Excellency, like the great Men of the World, and to rule and domineer as they do, contrary to our Saviour’s Precept, *Vos autem non sic, It shall not be so amongst you* ; instead of Honour and Esteem they have brought upon themselves, in the Hearts of the People, that Contempt and Odium which they now lie under : And that justly and necessarily, because the World seeth that they prefer a worldly Excellency, and run after it, and contend for it, before their own ; which, being spiritual, is far more

more excellent; and which, being proper to the Ministry, is that alone which will put a Value and Esteem upon them that are of that Calling.

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As these Things hurt themselves in their Consciences and Credit, so have they made, and, if they be continued, still will make them hurtful to others: The Reason is, because they break out of their own Orb, and move irregularly, there is a Curse upon their leaving of their own Place. The heavenly Bodies, while they keep within their own Spheres, give Light and Comfort to the World; but if they should break out, and fall from their regular and proper Motions, they would set the World on Fire: So have these done. While they kept themselves to the Work of their Ministry alone, and gave themselves to Prayer, and the Ministry of the Word, according to the Example of the Apostles, the World received the greatest Benefits by them; they were the Light and Life thereof: But, when their Ambition cast them down, like Stars from Heaven to Earth, and they did grow, once, to be advanced above their Brethren, I do appeal to all who have been versed in the ancient Ecclesiastical Stories, or modern Histories, whether they have not been the common Incendiaries of the Christian World; never ceasing from Contention, one with another, about the Precedency of their Sees and Churches; excommunicating one another; drawing Princes to be Parties with them, and thereby casting them into bloody Wars. Their Ambition, and intermeddling with Secular Affairs and State Business, hath been the Cause of shedding more Christian Blood than any Thing else in the Christian World; and this no Man can deny that is versed in History: But, we need not go out of our own Kingdom for Examples of their Insolency and Cruelty. — When they had a Dependency upon the *Pope*, and any Footing thereby out of the Land, there were never any that carried themselves with so much Scorn and Insolency towards the Princes of this Kingdom, as they have

An. 17. Car. I. have done: Some of these the Bishop, that last spake, hath named; but Instances of many more may be given, whereof there would be no End.

Although the *Pope* be cast off, yet now there is another Inconvenience, no less prejudicial to the Kingdom, by their Sitting in this House; and that is, they have such an absolute Dependency upon the King, that they sit not here as Freemen. That which is requisite to Freedom, is to be void of Hopes and Fears. He that can lay down these is a Freeman, and will be so in this House: But for the Bishops, as the Case stands with them, it is not likely they will lay aside their Hopes, greater Bishopricks being still in Expectancy: And for their Fears, they cannot lay them down, since their Places and Seats in Parliament are not invested in them by Blood, and so Hereditary; but by Annexation of a Barony to their Office, and depending upon that Office; so that they may be deprived of their Office, and thereby of their Places, at the King's Pleasure. They do not so much as sit here *dum bene se gesserint*, as the Judges now, by your Lordships Petition to the King (*k*), have their Places granted them; but at Will and Pleasure: And therefore, as they were all excluded by Edward I. as long as he pleased, and Laws made *excluso Clero*; so may they be by any King, at his Pleasure in like Manner: They must needs, therefore, be in an absolute Dependency upon the Crown, and thereby at Devotion for their Votes; which how prejudicial it hath been, and will be, to this House, I need not say.

I have now shewed your Lordships how hurtful to themselves and others these Things, which this Bill would take away, have been. I will only answer some *Objections* which I have met withall, and then crave your Pardon for troubling you so long.

Obj. 1. It will be said that they have been very antient.

2. That

(*k*) See before, p. 268.

2. ' That they are established by Law.

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3. ' That it may be an Infringment to the Privileges of the House of Peers, for the House of Commons to send up a Bill to take away some of their Members.

' To these three *Objections* the *Answers* will be easy.

' To the *first*; Antiquity is no good Plea: For that which is, by Experience, found to be hurtful, the longer it hath done Hurt, the more Cause there is now to remove it, that it may do so no more: Besides, other Irregularities are as antient which have been thought fit to be redressed; and this is not so antient, but that it may truly be said, *Nam fuit sic ab Initio*.

2. ' For being established by Law: The Law-makers have the same Power, and the same Charge to alter old Laws that are Inconvenient, as to make new that are Necessary.

3. ' For Privilege of the House: It can be no Breach of it; for either Estate may propose to other, by way of Bill, what they conceive to be for Public Good; and they have Power, respectively, of accepting or refusing.

' There are two other *Objections* which may seem to have more Force, but they will receive satisfactory *Answers*.

' The one is, ' That if they may remove Bishops, they will, next Time, remove Barons and Earls. For Answer to this: The Reason is not the same; the one Sitting by an Honour invested in their Blood, and Hereditary; which though it be in the King to grant alone, yet, being once granted, he cannot take away: The other sitting by a Barony depending upon an Office which may be taken away; for if they be deprived of their Office, they sit not. — And their Sitting is not so essential, for Laws have been, and may be made, they being all excluded; but it can never be shewed, that ever there were Laws made by the King and them, the Lords and Earls excluded.

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‘ The other *Objection* is this, ‘ That this Bill alters
‘ the Foundation of this House; and Innovations,
‘ which shake Foundations, are dangerous.

‘ I answer, *first*, That if there be an Error in
the Foundation, when this shall be found, and the
Master-builders be met together, they may, nay,
they ought rather to amend it, than to suffer it to
run on still to the Prejudice and Danger of the
whole Structure.

‘ *Secondly*, I say this is not Fundamental to this
House, for it hath stood without them, and done all
that appertains to the Power thereof without them;
yea, they being wholly excluded: And that which
hath been done, for a Time, at the King’s Pleasure,
may be done with as little Danger for a longer
Time; and, when it appears to be fit and for Pub-
lick Good, not only may, but ought to be done
altogether, by the supream Power.’

The Lord Newark’s Speech, in this Debate, was
as follows (1):

My Lords,

Lord Newark’s
Speech against
the said Bill.

‘ I Shall not speak to the Preamble of the Bill,
‘ That *Bishops and Clergymen ought not to inter-
meddle in Temporal Affairs*; for, truly, my Lords,
I cannot bring it, under any Respect, to be spoken of.
Ought is a Word of Relation, and must either re-
fer to Human or Divine Law: To prove the Law-
fulness of their Intermeddling by the former, would
be to no more Purpose, than to labour to convince
that by Reason, which is evident to Sense: It is
by all acknowledged. The Unlawfulness by the
latter, the Bill by no Means admits of; for it ex-
cepts Universities, and such Persons as shall have
Honour descend upon them: And your Lordships
know that Circumstance and Chance alter not
the Nature and Essence of a Thing, nor can ex-
cept any Particular from an universal Proposition
by God himself delivered. I will therefore take
these two as granted; *first*, That they ought by
our

(1) From the Original Edition, printed by *Abel Roper*, 1641.

our Law to intermeddle in Temporal Affairs. *Se- An. 17. Car. I.*
condly, That, from doing so, they are not inhibited 1641.
 by the Law of God, which leaves it, at least, as
 a Thing indifferent.

‘ Now, my Lords, to apply myself to the Bu-
 siness of the Day, I shall consider the Conveniency,
 and that in the several Habitudes thereof, but very
 briefly; *first*, In that which it hath to them meerly
 as Men, *qua tales*. *Secondly*, As Parts of the Com-
 mon-Wealth. *Thirdly*, From the best Manner of
 constituting Laws. And, *lastly*, From the Practice
 of all Times, both Christian and Heathen.

‘ *Homo sum, nihil Humani à me alienum puto*;
 was indeed the Saying of the Comedian; but it
 might have well become the Mouth of the greatest
 Philosopher. We allow to Sense all the Works
 and Operations of Sense, and shall we restrain
 Reason? Must only Man be hindered from his
 proper Actions? They are most fit to do reason-
 able Things that are most reasonable. For Science
 commonly is accompanied with Conscience; so is
 not Ignorance: They seldom or never meet. And
 why should we take that Capacity from them,
 which God and Nature have so liberally bestowed?

‘ My Lords, the politick Body of the Com-
 mon-Wealth is analogical to the Body natural;
 every Member in that contributes something to the
 Preservation of the whole: The Superfluity or De-
 fect which hinders the Performance of that Duty,
 your Lordships know is what the Philosopher calls
ἀναρτία τῆς φύσεως, Nature’s Sin. And truly,
 my Lords, to be Part of the other Body, and do
 nothing beneficial thereunto, cannot fall under a
 milder Term. The Common-Wealth subsists by
 Laws and their Execution; and they that have
 neither Head in the making, nor Hand in execu-
 ting of them, confer not any Thing to the Being or
 Well-being thereof. And can such be called Mem-
 bers, unless most unprofitable ones? Only *Fruges*
consumere Nati.

‘ Methinks it springs from Nature itself, or the
 very Depths of Justice, that none should be tied by

An. 17. Car. 1. 1641. other Laws than himself makes; for, what more natural or just, than to be bound only by his own Consent? To be ruled by any other's Will is meerly tyrannical. Nature there suffers Violence, and Man degenerates into Beast. The most flourishing Estates were ever govern'd by Laws of an universal Constitution; witness this our Kingdom; witness *Senatus Populusque Romanus*, the most glorious Common-Wealth that ever was; and those many others in *Greece*, and elsewhere, of eternal Memory.

Some Things, my Lords, are so evident in themselves that they are difficult in their Proofs. Amongst them I reckon this Conveniency I have spoken of: I will therefore use but a Word or two more in this Way. The long Experience that all *Christendom* hath had thereof, for these thirteen hundred Years, is certainly *Argumentum ad Hominem*. Nay, my Lords, I will go further, (for the same Reason runs through all Religions) never was there any Nation that employed not their Religious Men in the greatest Affairs.

But to come to the Business that now lies before your Lordships. Bishops have voted here ever since Parliaments began, and long before were employed by the Public. The Good they have done your Lordships all well know, and at this Day enjoy: For this I hope you will not put them out; nor for the Evil they may do, which yet your Lordships do not know, and I am confident never shall suffer. A Position ought not to be destroyed by a Supposition; *Et à posse ad esse non valet Consequentia*.

My Lords, I have done with proving of this positively; I shall now, by your good Favours, do it negatively, in answering some Inconveniencies that may seem to arise.

For the Text, *No Man that wars intangles himself with the Affairs of this Life*, which is the full Sense of the Words both in *Greek* and *Latin*, it makes not at all against them; except to *Intermeddle*, and *Intangle*, be Terms equivalent. Besides,

fides, my Lords, though this was directed to a *An. 17. Car. 1.*
Churchman, yet it is of a general Nature and
reaches to all, Clergy and Laity, as the most learn-
ed and best Expositors unanimously do agree. To
end this, *Argumentum symbolicum non est argumen-*
tativum. 1641.

‘It may be said, *That it is inconsistent with a Spi-*
ritual Vocation. Truly, my Lords, Grace and Na-
ture are, in some respects, impossible; but, in some
others, most harmoniously agree. It perfects Nature,
raises it to a Height above the common Altitude,
and makes it most fit for those great Works of God
himself, to make Laws, to do Justice. There is
then no Inconsistency between themselves, it must
arise out of Scripture. I am confident it doth not,
formally, out of any Place there; nor did I ever
meet with any learned Writer, of these or other
Times, that so expounded any Text.

‘But it may be said, *That though, in strict Terms,*
this be not inconsistent, yet it may, peradventure, hinder
the Duty of their other Calling. My Lords, there
is none that fits here more for Preaching than I am.
I know it is the ordinary Means to Salvation; yet
I likewise know, there is not that full Necessity for
it as was in the primitive Times. God forbid that
sixteen hundred Years Acquaintance should make
the Gospel of Christ no better known unto us.
Neither, my Lords, doth their Office meerly and
wholly consist in Preaching; but partly in that;
partly in Prayer and administering the blessed Sacra-
ments; in a godly and exemplary Life; in whole-
some Admonitions; in Exhortations to Virtue;
Dehortations from Vice; and, partly, in easing the
burdened Conscience. These, my Lords, com-
pleat the Office of a Churchman. Nor are they
altogether tied to Time or Place; though I confess
they are, most properly, exercised within their own
Verge, except upon good Occasion; nor then can
the Omission of some be termed the Breach of them
all. I must add one more, (an essential one, the
very Form of Episcopacy, that distinguisheth it
from the inferior Ministry) the orderly and good
Government of the Church. And how many of

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I, these (I am sure not the last) my Lords, are interrupted by their sitting here once in three Years; and then, peradventure, but a very short Time? And can there be a greater Occasion than the Common Good of the Church and State? I will tell your Lordships what the great and good Emperor *Constantine* did, in his Expedition against the *Persians*; he had his Bishops with him, whom he consulted about his military Affairs, as *Eusebius* has it in his Life, *Lib. iv. Cap. 56.*

• Rewards and Punishments are the great Negotiators in all worldly Buſineſſes. Theſe may be ſaid to make the Biſhops ſwim againſt the Stream of their Conſciences, and may not the ſame be ſaid of the Laity? Have theſe no Operations but only upon them? Has the King neither Frown, Honour, nor Offices, but only for Biſhops? Is there nothing that answers their Tranſlations? Indeed, my Lords, I muſt needs ſay, that, in Charity, it is a Suppoſition not to be ſuppoſed; no, nor in Reason, that they will go againſt the Light of their Underſtandings. The Holineſs of their Calling; their Knowledge; their Freedom from Paſſions and Affections, to which Youth is very obnoxious; their Vicinity to the Gates of Death, which, though not ſhut to any, yet always ſtands wide open to old Age: Theſe, my Lords, will ſurely make them ſteer aright.

• But of Matter of Fact there is no Diſputation. It is ſaid, *Some of them have done ill*: But, *Crimine ab uno diſcere omnes*, is a poetical, not a logical Argument. Some of the Judges have done ſo; ſome of the Magiſtrates and Officers; and ſhall there be therefore neither Judge, Magiſtrate, nor Officer more? A perſonal Crime goes not beyond the Perſon that commits it; nor can another's Fault be my Offence. If they have contracted any Filth or Corruption, through their own or the Vice of the Times, cleanſe and purge them thoroughly: But ſtill remember the great Difference between Reformation and Extirpation; and be pleaſed to think of your Triennial Bill, which will ſave you this

this Labour for the Time to come. Fear of Punishment will keep them in Order, if they should not themselves through the Love of Virtue.

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‘I have now, my Lords, according to my poor Ability, both shewed the Conveniencies, and answered those Inconveniencies, that seem to make against them. I should now propose those that make for them; as their falling into a Condition worse than Slaves, not represented by any; and then the Dangers and Inconveniencies that may happen to your Lordships; but I have done this heretofore, and will not offer your Lordships *Gramben bis coctam (m).*’

The House being resumed, it was *resolved*, upon the Question,

1. ‘That the Archbishops and Bishops shall have Suffrage and Voice in the House of Peers in Parliament.

The Lords resolve to retain the Bishops Votes in Parliament;

2. ‘That the Archbishops and Bishops shall not have Suffrage and Voice in the Court of *Star-Chamber*, when they are called.’

3. ‘That no Archbishop or Bishop, or other Person in Holy Orders, shall be Justices of the Peace.

4. ‘That no Archbishop or Bishop, nor other Person in Holy Orders, shall be of the Privy Council to the King, or to his Successors.’

May 27. The Lords debated the Bill *For restraining Bishops, and others in Holy Orders, from intermeddling in Secular Affairs*: And a Question arising, Whether the Restraints in the said Bill did extend to their Right of sitting and voting in Parliament, which, by the Common and Statute Laws of this Realm, and by an antient and continued Practice, was unquestionable? the Lords *resolved*, That a Conference be desired with the Commons about it;

But desire a Conference there-upon.

and

(m) *Crambe recocta Fastidium & Nauseam parit, inde Proverbium Δὲ κρᾶμεν θάνατον*, Crambe recocta Mors: *Quo allusum in illo,*

Occidit miseros Crambe repetita Magistros.

Juv.

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An. 17. Car. I. and a Message was sent down to them for that
1641. Purpose.

A Bill for the
utter abolishing
of Bishops, &c.
read a second
Time by the
Commons.

The same Day a Bill, intituled, *An Act for the utter abolishing and taking away of all Archbishops, Bishops, their Chancellors and Commissaries; Deans, Deans and Chapters; Archdeacons, Prebendaries, Chanters, Canons, and other Under-Officers, out of the Church of England*, was read in the House of Commons. And the Question being put, Whether this Bill should be then read a second Time? it was carried for the reading of it, on a Division, 139 against 108. Then the Bill was read a second Time, and committed.

Mr. Taylor ex-
pelled for Expres-
sions relating to
Lord Strafford's
Execution.

Mr. Taylor, a Barrister at Law, and Burgeſs for *Windsor*, was brought upon his Knees in the House of Commons, for speaking the following Words, in Disparagement of the whole House, about the Earl of *Strafford's* Death, viz. *They had committed Murder with the Sword of Justice; and that he would not for a World have so much Blood lie on his Conscience, as did on theirs for that Sentence*; Which Words being proved against him by the Mayor of *Windsor* (to whom he spoke it) and some others, he was expelled the House, and voted incapable of ever being a Parliament-Man; committed to the Tower during Pleasure; to be carried down to *Windsor*, there to make Recantation for those Words, and to return back to do the same at the Bar; and it was ordered that a Writ should presently issue out for a new Election in his Room.

Amount of the
National Debt.

May 29. At this Time the House of Commons were employed in examining the Farmers of the Customs, in Wines and other Merchandizes; and it appeared, by Calculation, that the whole National Debt then amounted to 773,900 *l.* to raise which a Bill of *Subsidies* was then carrying thro' that House.—One Alderman *Abel* and Mr. *Kilvert* were punished for a Patent on Wines.

June

June 3. Mr. *Pierepoint* reported the Conference Art. 17. Car. I. 1641.
with the Lords, concerning the Bill for disabling Bishops to vote in the House of Peers, *viz.*

‘That their Lordships conceive that the Commons understand not that *Unlawfulness to have any Vote there*, means to be contrary to any Law, but of Convenience or Inconvenience; because, if they had thought it absolutely unlawful, they would not have made Exception of the Universities, and of such of the Nobility as should happen to be in Holy Orders. The Lords Reasons for retaining the Bishops Votes in Parliament.

‘And for the Bishops Rights to sit and vote in Parliament; their Lordships conceive, that, both by the Common Law, Statutes, and constant Practice, there is no Question of it.

‘As for Inconveniences; their Lordships did not yet understand any such, that might induce them to deprive the Bishops and their Successors of the Right of voting in Parliament; but if there be such, which they yet know not, they will be willing to hear them, and take it into Consideration.

‘For their Votes in the Star-Chamber, Council-Table, or any Office in Secular Affairs, they have fully consented to the Desires of the Commons.

‘Their Lordships have excepted the Dean of *Westminster*, as being a Corporation confirmed by Act of Parliament, 27. *Eliz.* As also that of *Durham*, *Ely*, and *Hexham*, and the several Jurisdic-tions of those Bishops to keep Courts Baron there by their Stewards, &c. and all other Courts execu-ted by Temporal Officers; which their Lordships conceive not to be contrary to this Bill.’

The next Day the Commons took into Consideration the foregoing Reasons offered by the Lords at the Conference; and it was agreed to offer these Reasons, in Answer to them, at another Conference, *viz.*

1st, ‘That it was a very great Hinderance to the Exercise of their ministerial Function. 2^{dly}, Because they do vow and undertake at their Ordination, The Commons Answer thereto.

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tion, when they enter into Holy Orders, that they will give themselves wholly to that Vocation. 3dly, Because Councils and Canons, in several Ages, do forbid them to meddle with Secular Affairs. 4thly, Because the twenty-four Bishops have a Dependency upon the two Archbishops, and because of their Oath of Canonical Obedience to them. 5thly, Because they are but for their Lives, and therefore unfit to have a Legislative Power over the Honours, Inheritance, Persons, and Liberty of others. 6thly, Because of Bishops Dependences and Expectances of Translations to Places of greater Profit. 7thly, That several Bishops have, of late, much incroached upon the Consciences and Properties of the Subjects; and they and their Successors will be much encouraged still to encroach, and the Subjects will be much discouraged from complaining against such Encroachments, when they are Judges of those Complaints. The same Reason extends to their Legislative Power, in any Bill to pass for the Regulation of their Power, upon any emergent Inconveniency by it. 8thly, Because the whole Number of them is interested to maintain the Jurisdiction of Bishops; which hath been found so grievous to the three Kingdoms, that *Scotland* hath utterly abolished it, and Multitudes in *England* and *Ireland* have petitioned against it. 9thly, Because the Bishops being Lords of Parliament, it setteth too great Distance between them and the rest of their Brethren in the Ministry; which occasioneth Pride in them, Discontent in others, and Disquiet in the Church.

‘As to their having Votes a long Time since; the Answer is, If inconvenient, Time and Usage are not to be considered with Law-makers; some Abbots voted in Parliament as antient as Bishops, yet are taken away. For Particular Jurisdictions, as the Deanry of *Westminster*, the Bishops of *Durham* and *Ely*, the Archbishop of *York*, which they are to execute in their own Persons, the former Reason shews the Inconveniency of them. For their Temporal Courts

Courts and Jurisdictions, which are executed by their Temporal Officers, the Bill doth not concern them. Nor doth it reach to those Certificates of Plenarty of Benefices, Legality of Marriages, and the like, which Bishops make and return by Course of Common Law. [The Argument taken from the Canons and Laws Ecclesiastical, must be considered as a Fight against the Bishops with their own Weapons; a Kind of *Goliath's* Sword, to cut off *Goliath's* Head: But not as tho' the House of Commons did thereby justify the Legality of any of them. (g)] The Proviso for the Universities and Temporal Lords may stand in the Bill, if their Lordships so please. To this may be added, That there was an Act preparing for regulating the Universities, and this Proviso is but permitted to stay there till the Act be effected.

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The same Day these Reasons of the Commons were reported to the Lords by the Bishop of *Lincoln*. They are also entered, much to the same Effect, in the *Journals* of the Commons, with this Addition, ' The Question being put, Whether the two Provisoes in the Bill, relating to the Universities, and to Noblemen in Orders, should be laid aside? It was carried, on a Division, in the Affirmative, 148 against 139.'

From this Time there was little Business done in either House, except settling some Affairs about a Conclusion of the Treaty between the *English* and the *Scots*; whose separate Armies lay all this while in the *North* of *England*, and must have been an excessive Burthen to the Country: Many Complaints of that Kind having been made to both Houses, but with little Redress to the Complainants.

June 7. One *Robinson*, a Clerk in the Custom-house; *John Spencer*, a Horse-Courser; *Adam Banks*, a Stockingseller; *John Durant* and one *Green*, being com-

(g) The Passage between *Crotchets* is in the Report of this Conference in the *Lords Journals*, but not in the *Commons*.

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Lay-Preachers
reprimanded by
the Commons.

complained against for Preaching, being meer Lay-men, and who had been sent for by Order of the House, were called in, and Mr. Speaker gave them a Reprehension, telling them, 'That the House had a general Distaste at this their Proceedings; and that if they should offend at any Time in the like Kind again, this House would take Care they should be severely punished.'

The same Day the Lords, in a Committee, debated the Reasons sent up from the Commons at the Conference touching the Bishops not voting in Parliament, and, after a long Debate, the House was resumed.

The Bill for restraining Bishops, &c. from intermeddling in Secular Affairs, rejected by the Lords.

Then the Bill *For restraining Bishops, and others in Holy Orders, from intermeddling with Secular Affairs*, was read a third Time (b); and, the Question being put, Whether the said Bill should pass into a Law? it was carried in the Negative by a great Majority. It is observable, that the House of Lords had a strict Call of their Members the Day before; so that we may believe the whole Strength of each Party was exerted upon this Occasion.—Their Lordships also 'Ordered and Declared, That reading of formal Speeches and Answers out of Papers, in this House, is no Parliamentary Way.'—Probably this was occasioned by the long Speeches we have before given upon this Subject.

The Commons likewise sent up to the Lords the three following Bills.

1. *An Act for regulating the Privy Council, and for taking away the Court commonly called the Star-Chamber.*

2. *An Act for preventing Dangers which may grow by Recusants.*

3. *An Act for repealing a Branch of a Statute in 1mo. Eliz. concerning Commissioners in Causes Ecclesiastical.*

June

(b) Lord Clarendon says, 'The Arguments, in favour of this Bill had so little Effect, that the House of Lords could not be prevailed with so much as to commit it; but, at the second Reading, they utterly cast it out.' *Vol. 1. p. 186.*—This is a very great Mistake, as appears by the above Extracts from the *Lords Journals*.

June 8. Mr. *Fiennes*, Member for *Banbury*, reported from the Secret Committee Matters concerning the *Tower of London*; the *French*; the Flight of the Gentlemen accused of a Conspiracy in the Army, to bring them up to awe the Parliament; the Earl of *Strafford*'s Design to have made his Escape, had he not been prevented; the *Papists* resorting into *Hampshire* towards *Portsmouth*, and the fortifying of it; Mr. *Fermyn*'s Desire to get *Portsmouth* into his Hands; and the *French Troops* drawing down to *Calais*, *Dieppe*, and *Granville*.

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Report from the
Committee on
the Plot.

In the Debate thereon Exceptions were taken at the Lord *Digby*, for Words spoken concerning an Oath, which Colonel *Goring* confessed he had taken to be secret, saying *He was a perjured Man*. After a warm Debate upon it, and he had in his Place explained himself, by saying, 'He thought Mr. *Goring* deserved no better Appellation, since it appeared, by his own Confession, that he entered into the Oath of Secrecy purposely with an Intention to discover the Confederacy;' yet the House not being satisfied with it, he was ordered to withdraw.

Exceptions a-
gainst an Expres-
sion of Lord Dig-
by.

The Commons sitting late upon this Affair of Lord *Digby*, some Members called for Candles, which the major Part opposed, being inclined to rise; but, by Mistake, the Candles being brought in, and Sir *William Widdrington*, Member for *Northumberland*, and Mr. *Herbert Price*, Member for *Brecon*, taking them from the Serjeant, without a general Command, it occasioned great Disturbance in the House.

Sir William Widd-
drington and Mr.
Herbert Price
bring in Candles
without an Order;

The next Morning Exceptions being taken against them, Mr. *Denzil Halles*, Member for *Dorchester*, made a Speech in Aggravation of their Offence, shewing, 'That the House of Commons, being a Rule and Example of Order, there ought to be no Disorders within those Walls; for that if there were such within, well might it be expected there would be without; and that it might be the Occasion of shedding much Blood among themselves, if, upon such a Difference, Parties should have

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For which they
are committed to
the Tower.

have sided one against another; and moved that they should, for their Offence to this House, be sent to the *Tower*, there to remain during the Pleasure of the House; which was agreed to by a Majority of 189 Voices against 172. The *Journals* add, 'That Sir *William Widdrington* and Mr. *Herbert Price* were called to the Bar, and there ordered (n) to kneel; but because they did not kneel, they were caused to withdraw; and after Debate in the House concerning their coming and kneeling, they were again called to the Bar; and there, they kneeling all the while, Mr. Speaker pronounced the Sentence against them, of their being committed to the *Tower*.

Then it was further *resolved*, 'That Colonel *Goring*, in this Deposition of his, concerning this Discovery, has done nothing contrary to Justice and Honour; but has therein deserved very well of the Common-Wealth, and of this House.' — The Affair of Lord *Digby* was referred to a Committee.

A Narrative of
the before-men-
tioned Plot.

Frequent Mention having been made of this Plot, which so greatly alarm'd the whole Nation, a brief Account of it may not be improper; as tending to explain many Passages in the Proceedings of both Houses at this Juncture (o). This we shall do from the *Memoirs of the Earl of Manchester*, in his own Words (p):

'To prevent the Earl of *Strafford's* Death, several Designs had been upon the Wheel, but all failed; therefore it was consulted how to engage the Army in the *North* to serve the King, in order to his Freedom from the Parliament's Fetters, *pour mettre le Roi hors de Peine*, as the Royalists term'd it. This occasioned several Addresses to the principal Commanders in the *North*; but they were fearful and backward to entertain any Motions or Propositions, which might put them upon a Breach with the Parliament.

'But

(n) In the printed *Journals* it is said *offered*; but this is probably an Error of the Press.

(o) The several Examinations relating to this Plot are in *Rushworth*, Vol. IV. p. 253, to 292.

(p) In *Nelson's Collections*, Vol. II. p. 272.

But Mr. *Percy* and Mr. *Fermyn* finding a great Discontent in those Commanders of the Army who were Members of Parliament; as Col. *Wilmot*, Col. *Ashburnham*, and Col. *Pollard*, who thought that their Services had merited much better of the Parliament, than that the *Scots* Officers and *Scots* Army should be preferred before them, in their Gratuities and in their Pay: And these Commanders owning that the Parliament had disoblighd them, this gave Mr. *Percy* a Rise to press with greater Earnestness his Design of engaging them to serve the King; and, to that End, an Oath of Secrecy was framed, and others were admitted into their Confederacy, as Mr. *Fermyn* and Mr. *Goring*, and Propositions were framed.

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But it fell out in this, as in most Conspiracies of the like Nature, that tho' the same Oath was taken by all that met together, yet it was not taken by all with the same Persuasion or Intention: For Col. *Goring*, whose Ambition was not answered in being promised the Place of Lieutenant-General of the Army, and finding others employed whose Persons he disliked, having a full Information from Mr. *Percy* and Mr. *Fermyn* of all the Design, thought it would tend most to his Security and Advantage to reveal the Conspiracy; and, being versed in all the Methods of Falshood, he chose the Time and Means which he thought would be most acceptable and obliging to the Parliament.

He therefore first imparts it to the Earl of *Newport*, who was his particular Friend; and desired him to bring him to some other Lords of the Parliament, such as might be most likely to prevent that Mischief which was intended: And, accordingly, the next Day, about Evening, the Lord *Newport* brought him to the Earl of *Bedford* and the Lord *Mandeville*, to whom he first made a Protestation of his Fidelity to the Parliament, and of his Readiness to run all Hazards for the Safety of it: Then he imparted the Substance of the Design, and desired them to make what Use of it they thought fit for their own and the Common-Wealth's Security;

An. 17. Car. 1. rity ; but not to bring him as the Accuser of the
1641. Persons, except Necessity did require it.

‘ The Lords, who had this Design revealed unto them, thought it necessary to discharge themselves, and communicated it to some Members of the House of Commons, by whose Advice it was agreed, That *Goring* should repair to his Government at *Portsmouth*, and that so soon as he was gone, the Persons whom he had discovered to be Actors in this Design should be apprehended ; but private Notice being given to Mr. *Percy* and Mr. *Fermyn*, they prevented the Justice of the Parliament by their Escape out of *England*.

‘ Mr. *Percy*, with some Difficulty and Hazard, took Shipping in a private Port in *Sussex* ; Mr. *Fermyn* ventured upon *Goring*’s Faithfulness to him, and brought unto him a Warrant, under the King’s Hand, to see him safely transported in one of his Frigates (*q*), which he obeyed with Care and Readiness ; tho’, at the same Time, the Parliament had sent Orders to him, by Commissioners authorized under the Great Seal, according to the King’s Direction, to apprehend him ; but he pretended the Orders came not Time enough ; and, at the same Time, he took an Oath, which was administer’d by the King’s Authority under the Great Seal, to be true and faithful to the King and Parliament, and keep the Town of *Portsmouth* for their Use, and not to deliver it but by both their Consents.

‘ The Plot being made known to the House of Commons, they resented it as a Thing of very dangerous Consequence ; and found it necessary therefore that Mr. *Goring* should own the Discovery of the Design. He was immediately sent for by the House of Commons, whereof he was a Member ; and being present there, he was commanded to declare

(*q*) The King’s Proclamation, requiring *Henry Percy*, Esq; *Henry Fermyn*, Esq; &c. to surrender themselves in ten Days to the Lords in Parliament, and his Majesty’s Warrant to Col. *Goring*, authorizing Mr. *Fermyn*’s Escape, are in *Rushworth*, Vol. IV. p. 261, and 274.

clare his Knowledge of the Design. Upon this An. 17. Car. I. Command he expressed himself in these Terms: 1641.

Having been told, that there was an Intention to unite the Forces of our Army, and to put them into a Posture of being able (if not Purpose of being willing) to interpose in the Proceedings of Parliament, I hearken'd to the Propositions of soliciting a Redress for the Miseries of the Soldiery; being the first Step to this, in respect of the present Necessities of it, not any future Consequence of Trouble to those that were to procure our Relief: But, lest the Manner of asking this, or the Effect of it being obtained, might be less just than the Thing itself which was desired; and I might be involved in their Crimes that had further Ends, perhaps, than merely the Redress of our Army's Grievances, I thought it not amiss to take some Witness of my Integrity along with me; and spake to a Noble Lord the very same Day: I assured him there were some Officers of the Army, that were least thought on, that had not the greatest Zeal to the Proceedings of this House; and I thought there would be an Occasion to let him know more of it within few Days.

After this Mr. Jermyn and I were admitted into a Consultation, where we were tied to Secrecy by an Oath, in the Company of those Gentlemen I have named in my Depositions; where their Purpose was declared to us in some Propositions, which were to this Effect:

First, Putting the Army into a Posture to serve the King.

Secondly, Tendering a Declaration to the Parliament, containing, That no Act of Parliament should be made contrary to any former Act, wherein it was expressed, That Episcopacy should be kept up as it is now.

Thirdly, That the King's Revenue should be established.

This I thought unlawful for our Undertakings, since they intended to interpose in the Determinations of this House; and it belongs to an Army to maintain, not to contrive the Acts of State.

I objected therefore against their Propositions, and more the Follies and Difficulties, than the Irregularities

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ties of them; not only because I thought Reason a greater Argument with them than Conscience, but because I was so unhappy, of the two, to be thought a worse Common-Wealth's Man than a Soldier; and, in that Quality, could procure most Credit for my Words. I endeavoured to shew them, that as the Design would be impious, if the most desperate Counsels had been followed, so it would have been the weakest that ever was undertaken, if they were omitted. And whereas I am said to have a Part in this violent Counsel; till the Day before this Meeting I never heard a Word of it; and knew not, when I came to the Room, whether theirs were not the same with the other: This they may witness for me; and that I declared I would have to do with neither; and that I expressed Contempt of our Meeting in that Manner.

But I rely upon the Testimony of some Noble Lords of his Majesty's Council, and others, how I protested against all those violent Counsels, even in the Birth of them; and with what Piety I looked towards the Person of his Majesty, and the whole Kingdom, in this Business. I appeal also to them and some Members of this House, what my Carriage was towards these Gentlemen that were embarked in these Undertakings; intending rather to prevent a Mischief, by abandoning their Counsels, than to ruin them by disclosing them. But mistake me not; for had I known of any former Plot proceeded in, that could indanger or disturb the Quiet of his Majesty, or the Peace of the Kingdom, I should not have been contented with declaring mine own Innocency; nor have staid till the Commands of this House, or an Oath, extorted from me a Discovery; but, by a hasty open Declaration, have broke the Laws of Amity and Friendship, and all former Ties, to preserve the Duty of a Subject; and as freely exposed the Knowledge of all to the View of the World, as I have been tender in publishing these Purposes, even to my nearest Friends, which had Weight enough to crush nothing but the Undertakers of it. And certainly, if they had staid where I left them, there was no Conclusion at all.

It

It appears there were two several Intentions digested by others before they were communicated to me; and I know not whether my hearkening to them was a Fault, but I am sure it was a Misfortune.

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June 10. This Day the Lord Digby, eldest Son of the Earl of *Bristol*, one of the Knights for *Dorsetshire*, whose Case, before-mentioned, the Commons had referred to a Committee, was introduced into the House of Lords, (his Writ bearing Date the Day before) as appears by the *Journals* of that House. Lord Digby call'd up to the House of Peers. Dr. *Nelson* says, 'That the very same Day on which he was introduced into the House of Lords, he was expelled the House of Commons, as unworthy to continue any longer a Member of it.' But of this there is no Entry in their *Journals*; only an Order for the issuing out a Writ for the electing a Knight for *Dorsetshire* in his room, without the least Mention whether the Vacancy was occasioned by Expulsion or Promotion (r): However, we find that the same Day the Lords made an Order, That the Lord Digby be added to all their standing Committees. — But tho' his Lordship was thus preferred out of the Way of the Commons, their Resentment of his Behaviour in their House did not stop here, as will appear in the Sequel.

June 11. The Commons in a Grand Committee, of which Mr. *Hyde*, Member for *Salisbury*, was Chairman, resum'd the Consideration of the Bill against Episcopacy; when the following Scheme of Alterations, in the Government of the Church, was proposed to the House (s).

I. 'THAT every several Shire of *England* and *Wales*, be a several Circuit or Diocese for the Ecclesiastick Jurisdiction, excepting *Yorkshire*, which is to be divided into three.

A Scheme of
Alterations in
Church Govern-
ment.

Y 2

II.

(r) *Rushworth* says that Lord Digby was called up, by Writ, to the House of Peers, but takes no Notice of his being expelled by the Commons; nor does Lord *Clarendon* or *Whitlocke* make any Mention of his Expulsion.

(s) Printed by *Thomas Walkley*, 1641.

1641. An. 17. Car. I. II. 'A constant Presbytery of twelve choice Divines, to be selected in every Shire or Diocese.

III. 'A constant President to be established, as a Bishop over this Presbytery.

IV. 'This Bishop in each Diocese to ordain, suspend, deprive, degrade, and excommunicate, by and with the Consent and Assistance of seven Divines of his Presbytery, then present, and not else.

V. 'The Times of Ordination, throughout the Land, to be four Times in the Year, viz. the first of *May*, first of *August*, first of *November*, and the first of *February*.

VI. 'Every Bishop constantly to reside within his Diocese, in some one chief City, or Town, within his Diocese.

VII. 'Every Bishop to have one special particular Congregation, to be chosen out of the most convenient Place for Distance from his chief Residence, and the richest in Value that may be had; where he shall duly preach, unless he be lawfully hindered, and then shall take care his Cure be well supplied by another.

VIII. 'No Bishop shall remove, or be translated, from the Bishoprick which he shall first undertake.

IX. 'Upon every Death, or other Avoidance of a Bishoprick, the King to grant a *Congé d'elire* to all the Clergy of the whole Diocese, they to present three of the Presbytery aforesaid, and the King to choose and nominate whom he pleaseth of them.

X. 'The first Presbyter of every Shire to be named by Parliament; and afterwards, upon the Death or other Avoidance of any Presbyter, the remaining Presbyters to choose one other out of the Parish Ministers of that Shire; and this to be done within one Month next after such Death or Avoidance.

XI. 'No Bishop or Clergyman to exercise or have any Temporal Office, or Secular Employment; but only, for the present, to hold and keep the

the Probate of Wills, untill the Parliament shall An. 17. Car. 1.
otherwise resolve. 1641.

XII. ' The Bishop once a Year, at *Midsummer*, to summon a Diocesan Synod; there to hear, and, by general Vote, to determine, all such Matters of Scandal in Life and Doctrines, amongst Clergymen, as shall be presented unto them.

XIII. ' Every three Years a National Synod to be held, which shall consist of all the Bishops in the Land; of two Presbyters, to be chosen by the rest out of each Presbytery; and of two Clerks, to be chosen out of every Diocese by the Clergy thereof.

XIV. ' This National Synod to make and ordain Canons, for the Government of the Church; but they not to bind untill they be confirmed by Parliament.

XV. ' Every Bishop to have, over and above the Benefice aforesaid, a certain constant Rent allowed, to be allotted proportional to the Diocese wherein he is to officiate.

XVI. ' Every Presbyter to have a constant yearly Profit, above his Benefice.

' As for the Revenue of the Bishops, Deans, and Chapters, &c. a strict Survey to be taken of all their Rents and Profits; and the same to be represented at the Beginning of our next Convention; and, in the mean Time, no Lease to be renewed nor Timber to be sell'd.

But this Proposal was so far from being relished by the Majority of the Commons, that, after a Debate, which lasted from Seven in the Morning till Night, it was *resolved*, That the Preamble of the Bill should be as follows:

' Whereas the Government of the Church of Eng- Preamble to the
' land, by Archbishops, Bishops, their Chancellors Bill for abolishing of Bishops,
' and Commissaries, Deans, Archdeacons, and o- Deans, &c.
' ther Ecclesiastical Officers, hath been found, by
' long Experience, to be a great Impediment to
' the perfect Reformation and Growth of Religion,
' and very prejudicial to the Civil State and Go-
' vernment of this Kingdom, &c.'

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The next Day the Committee proceeded farther in the said Bill: This was distinguished from the former (which was only called a Bill *For restraining of Bishops, and others in Holy Orders, from intermeddling in Secular Affairs*) by the Term of *The Root and Branch Bill*:— We meet with the following Speeches upon this Occasion, which are omitted in *Rushworth's Collections*:— And first Sir *Henry Vane*, Member for *Wilton*, spoke in Favour of it (1).

Mr. Hyde,

Sir Henry Vane's
Speech in favour
of it.

THE Debate we are now upon is, Whether the Government by Archbishops, Bishops, Chancellors, &c. should be taken away out of the Church and Kingdom of *England*. For the right stating whereof, we must remember the Vote that pass'd Yesterday, not only by this Committee, but the House; which was to this Effect, 'That this Government has been found, by long Experience, to be a great Impediment to the perfect Reformation and Growth of Religion, and very prejudicial to the Civil State.'

'So that then the Question will lie thus before us; Whether a Government, which long Experience hath set so ill a Character upon, importing Danger not only to our Religion but the Civil State, should be any longer continued amongst us, or be utterly abolished? For my own Part, I am of the Opinion of those who conceive, that the Strength of Reason, already set down in the Preamble to this Bill by Yesterday's Vote, is a necessary Decision of this Question: For one of the main Ends for which Church Government is set up, is to advance and further the perfect Reformation and Growth of Religion; which we have already voted this Government doth contradict: So that it is destructive to the very End for which it should be, and is, most necessary and desirable; in which respect, certainly, we have Cause enough to lay it aside, not only as useless,

(1) From the Original Edition, printed for Thomas Underhill, 1641.

useless, in that it attains not its End ; but as dangerous, in that it destroys and contradicts it. An. 17. Car. I.
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‘ In the *second* Place, we have voted it prejudicial to the Civil State ; as having so ill and so powerful an Influence upon our Laws, the Prerogative of the King, and Liberties of the Subject, that it is like a spreading Leprosy, which leaves nothing untainted and uninfected which it comes near.

‘ May we not therefore well say of this Government, as our Saviour, in the fifth of *Matthew*, speaks of Salt, (give me Leave upon this Occasion to make Use of Scripture, as well as others have done in this Debate) where it is said that Salt is good ; *but if the Salt hath lost its Savour, wherewith shall it be salted ? It is thenceforth good for nothing, but to be cast out, and to be troden under Foot of Men.* So Church Government, in the general, is good, and that which is necessary, and which we all desire ; but when any particular Form of it hath once lost its Savour, by being destructive to its own Ends for which it is set up, (as, by our Vote already past, we say this hath) then surely, Sir, we have no more to do but to cast it out ; and endeavour, the best we can, to provide ourselves a better.

‘ But to this it hath been said, ‘ That the Government now in question may be so amended and reformed, that it needs not be pulled quite down or abolished, because it is conceived it hath no original Sin or Evil in it ; or, if it have, it is said Regeneration will take that away.’

‘ Unto which I answer, I do consent that we should do with this Government, as we are done by in Regeneration, in which all old Things are to pass away, and all Things are to become new ; and this we must do, if we desire a perfect Reformation and Growth of our Religion, or Good to our Civil State : For the whole Fabrick of this Building is so rotten and corrupt, from the very Foundation of it to the Top, that if we pull it not down now, it will fall about the Ears of all those that endeavour it, within a very few Years.

‘ The

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' The universal Rottenness or Corruption of this Government, will most evidently appear by a Disquisition into these ensuing Particulars.

' *First*, Let us consider in what Soil this Root grows: Is it not in the *Pope's* Paradise? Do not one and the same Principles and Grounds maintain the *Papacy*, or universal Bishop, as do our *Diocesan* or *Metropolitan* Bishops? All these Authorities, which have been brought us out of the Fathers and Antiquity, will they not as well, if not better, support the *Popedom* as the Order of our *Bishops*? So likewise all these Arguments for its Agreeableness to Monarchy, and Cure of Schism, do they not much more strongly hold for the Acknowledgement of the *Pope*, than for our *Bishops*? And yet have Monarchies been ever a whit the more absolute for the *Pope's* universal Monarchy, or their Kingdoms less subject to Schisms and Seditions? Whatsoever other Kingdoms have been, I am sure our Historians can tell us this Kingdom hath not; and therefore we have cast him off long since, as he is foreign, tho' we have not been without one in our own Bowels: For the Difference between a Metropolitan, Diocesan, or Universal Bishop, is not of Kinds, but of Degrees; and a Metropolitan or Diocesan Bishop is as ill able to perform the Duty of a Pastor to his Diocese or Province, as the Universal Bishop is able to do it to the whole World; for the one cannot do but by Deputies, and no more can the other: And therefore, since we all confess the Grounds upon which the *Papacy* stands are rotten, how can we deny but these that maintain our *Bishops* are so too, since they are one and the same?

' In the *second* Place, let us consider by what Hand this Root of *Episcopacy* was planted, and how it came into the Church.

' It is no difficult Matter to find this out; for is not the very Spirit of this Order a Spirit of Pride, exalting itself in the Temple of God over all that is called God? First exalting itself above its *Fellow-Presbyters*, under the Form of a *Bishop*; then over its *Fellow Bishops*, under the Title of *Archbishops*; and

and so still mounting over those of its own Profession, under the Title of *Cardinal*, till it comes to be *Pope*; and then it sticks not to tread upon the Necks of Princes, Kings, and Emperors, and trample them under its Feet. Also thus you may trace it from its first Rise, and discern by what Spirit this Order came into the Church, and by what Door; even by the Back-door of Pride and Ambition, not by Christ Jesus. It is not a Plant which God's Right Hand hath planted, but is full of Rottenness and Corruption; that Mystery of Iniquity which hath wrought thus long, and so fit to be pluck'd up, and removed out of the Way.

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'*Thirdly*, Let us consider the very Nature and Quality of this Tree, or Root in itself, whether it be good or corrupt in its own Nature. We all know where it is said, *A good Tree cannot bring forth corrupt Fruit, nor a corrupt Tree good Fruit. Do Men gather Grapes of Thorns, or Figs of Thistles?* By its Fruits therefore we shall be sure to know it; and according as the Fruits of its Government have been amongst us, either in Church or Commonwealth, so let it stand or fall with us.

'As this Kind of Government itself came in by the Back-door into the Church, and was brought in by the Spirit of Antichrist; so it hath been the Back-door and Inlet of all Superstition and Corruption into the Worship and Doctrine of this Church, and the Means of hastening us back again to *Rome*. For Proof of this, I appeal to all our Knowledge in late Years past; the Memory whereof is so fresh, I need enter into no Particulars.

'One Fruit of this Government in the Church hath been the displacing of the most godly and conscientious Ministers; the vexing, punishing, and banishing out of the Kingdom the most religious of all Sorts and Conditions, that would not comply with their superstitious Inventions and Ceremonies. In one Word; the turning the Edge and Power of their Government against the very Life and Power of Godliness; and the Favour and Protection of it unto all prophane, scandalous, and superstitious

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An. 17. Car. I. 1641: stitious Persons that would uphold their Party.

Thousands of Examples might be given of this, if it were not most notorious.

Another Fruit hath been Schism and Factions within ourselves, and Alienation from all the Re-form'd Churches abroad.

Thirdly, and lastly, The prodigious Monster of the late Canons, whereby they had design'd the whole Nation to a perpetual Slavery and Bondage to themselves and their superstitious Inventions. These are the Fruits of their Government in the Church.

Now let us consider these in the Civil State; as, First, 'The countenancing all illegal Projects and Proceedings, by teaching, in their Pulpits, the Lawfulness of an Arbitrary Power.

Secondly, 'The overthrowing all Process at Common Law, that reflected never so little on their Courts.

Thirdly, 'The kindling a War between these two Nations, and blowing up the Flame as much as in them lay, by their Counsels, Canons, and Subsidies they granted to that End.

Fourthly, 'The Plots, Practices, and Combinations during this Parliament; in all which they seem to have been interested more or less.

Thus have they not contented themselves with Encroachments upon our Spiritual Privileges, but have envied us our Civil Freedom; desiring to make us grind in their Mill, as the *Philistines* did *Sampson*, and to put out both our Eyes: *O let us be avenged of those Philistines for our two Eyes!*

If then the Tree be to be known by its Fruits, I hope you see, by this Time, plainly the Nature and Quality of this Tree.

In the last Place, give me Leave, for a Close of all, to present to your Consideration the Mischiefs which the Continuance of this Government doth threaten us with; if, by the Wisdom of this Committee, they be not prevented.

First, 'The Danger our Religion must ever be in, so long as it is in the Hands of such Governors as can stand firmly in nothing more than its Ruin; and

and whose Affinity with the *Pope's* Hierarchy makes them more confident of the *Papists*, than the Professors of the *Reformed* Religion, for their Safety and Subsistence. An. 17. Car. 1. 1641.

Secondly, 'The unhappy Condition our Civil State is in, whilst the Bishops have Votes in the House of Lords; being there as so many Obstructions, in our Body Politic, to all good and wholesome Laws tending to Salvation.

Thirdly, 'The Improbability of settling any firm or durable Peace so long as the Cause of the War yet continues, and the Bellows that blow up this Flame.

Lastly, and that which I will assure you goes nearest to my Heart, is the Check which we seem to give to Divine Providence, if we do not at this Time pull down this Government. For hath not this Parliament been called, continued, preserved, and secured, by the immediate Finger of God, as it were for this Work? Had we not else been swallowed up in many inevitable Dangers, by the Practices and Designs of these Men and their Party? Hath not God left them to themselves, as well in these Things, as in the evil Administration of their Government, that he might lay them open unto us; and lead us, as it were, by the Hand, from the finding them to be the Causes of our Evil, to discern that their rooting up must be our only Cure? Let us not then halt any longer between two Opinions, but, with one Heart and Resolution, give Glory to God, in complying with his Providence; for the Good, Safety, and Peace of his Church and the State, which will be by passing this Bill we are now upon.'

Mr. Waller spoke against the Bill as follows (u):

Mr. Hyde,

'**T**Here is no Doubt but the Sense of what this Mr. Waller's Nation hath suffered from the present Bi-against it.
shops,

(u) This Speech is not taken Notice of by any of the *Collectors* of the Times, nor is it printed amongst Mr. Waller's Works, altho' there are some of his Speeches at the End of his Poems. The above is taken from an Edition of the Times, printed for Abel Roper, 1641.

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Bishops, hath produced these Complaints; and the Apprehensions Men have of suffering the like, in Time to come, make so many desire the taking away of *Episcopacy*: But I conceive it is possible that we may not, now, take a right Measure of the Minds of the People by their *Petitions*; for when they subscribed them, the Bishops were armed with a dangerous Commission of making new Canons, imposing new Oaths, and the like; but now we have disarmed them of that Power. These Petitioners, lately, did look upon *Episcopacy* as a Beast armed with Horns and Claws; but now that we have cut and pared them, (and may, if we see Cause, yet reduce it into narrower Bounds) it may, perhaps, be more agreeable. Howsoever, if they be still in Passion, it becomes us soberly to consider the right Use and Antiquity thereof; and not to comply further with a general Desire, than may stand with a general Good. We have already shewed, that *Episcopacy*, and the Evils thereof, are mingled like Water and Oil. We have also, in part, severed them.

‘ But I believe you will find, that our Laws and the present Government of the Church are mingled like Wine and Water; so inseparable, that the Abrogation of, at least, a hundred of our Laws is desired in these *Petitions*. I have often heard a noble Answer of the Lords, commended in this House, to a Proposition of like Nature, but of less Consequence; they gave no other Reason of their Refusal but this, *Nolumus mutare Leges Angliæ*: It was the Bishops who so answered then; and it would become the Dignity and Wisdom of this House to answer the People, now, with a *Nolumus mutare*.

‘ I see some are moved with a Number of Hands against the Bishops; which, I confess, rather inclines me to their Defence: For I look upon *Episcopacy* as a Counterſcarp, or Outwork; which, if it be taken by this Assault of the People, and, withall, this Mystery once revealed, *That we must deny them nothing when they ask it thus in Troops*, we may, in the next Place, have as heard a Task

to defend our Property, as we have lately had to recover it from the Prerogative. If by multiplying Hands and Petitions, they prevail for an Equality in Things Ecclesiastical; the next Demand, perhaps, may be *Lex Agraria*, the like Equality in Things Temporal.

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' The *Roman* Story tells us, That when the People began to flock about the Senate, and were more curious to direct and know what was done, than to obey, that Common-Wealth soon came to Ruin: Their *Legem rogare* grew quickly to be a *Legem ferre*; and after, when their Legions had found that they could make a Dictator, they never suffered the Senate to have a Voice any more in such Election.

' If these great Innovations proceed, I shall expect a Flat and Level in Learning too, as well as in Church-Preferments: *Honos alit Artes*. And though it be true, that grave and pious Men do study for Learning-Sake, and embrace Virtue for itself; yet it is as true, that Youth, which is the Season when Learning is gotten, is not without Ambition; nor will ever take Pains to excel in any Thing, when there is not some Hope of excelling others in Reward and Dignity.

' There are two Reasons chiefly alledged against our Church-Government.

First, ' Scripture, which, as some Men think, points out another Form.

Secondly, ' The Abuses of the present Superiors.

' For Scripture, I will not dispute it in this Place; but I am confident that, whenever an equal Division of Lands and Goods shall be desired, there will be as many Places in Scripture found out, which seem to favour that, as there are now alledged against the Prelacy or Preferment in the Church. And, as for Abuses, where you are now, in the *Remonstrance*, told, what this and that poor Man hath suffered by the Bishops, you may be presented with a thousand Instances of poor Men that have received hard Measure from their Landlords; and of worldly

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An. 17. Car. 1. 1641. worldly Goods abused, to the Injury of others, and Disadvantage of the Owners.

‘ And therefore, Mr. Speaker, my humble Motion is, That we may settle Men’s Minds herein, and, by a Question, declare our Resolution *To reform*, that is, *not to abolish Episcopacy*.’

Mr. *Rushworth* adds, ‘ That, in this Debate, the Authority of that very antient Parchment Manuscript Copy of the Bible, remaining in his Majesty’s Library at St. *James’s*, and sent to his Majesty by *Cyrillus*, Patriarch of *Alexandria*, being all written in Greek Capital Letters, was vouched and asserted by Sir *Symonds D’Ewes*, a great Antiquary; wherein the Postscripts to the Epistles to *Timothy* and *Titus* are only thus, *The first to Timothy, written from Laodicea: The second to Timothy, written from Laodicea: To Titus, written from Nicopolis*. From whence he inferred, That the stiling of *Timothy* to be the first Bishop of *Ephesus*, and *Titus* the first Bishop of *Crete*, were the spurious Additions of some Eastern Bishop or Monk, at least five hundred Years after Christ.’

The *Journals* inform us, that, upon Mr. *Hyde’s* Report from the Grand Committee, it was resolved, upon the Question, ‘ That the taking away the several Offices of Archbishops, Bishops, Chancellors, and Commissaries, out of this Church and Kingdom, should be one Clause in the aforementioned Bill.’

Resolutions of the Commons, in favour of Dr. *Bastwick*.

The same Day the Commons resolved, ‘ That Dr. *Bastwick* be restored to his Place in the College of Physicians, and to the Liberty of his Practice as formerly.’ They had, some Months before, declared his Imprisonment, by a Sentence in the *Star-Chamber*, to be illegal; and that the Commissioners, acting therein, ought to make him Satisfaction for his Losses and Sufferings (x).

June

(x) See the Proceedings against him in *Rushworth’s Collections*, Vol. II. p. 324, 380.

June 12. On this Day the Votes of the House of Commons concerning the new Canons, made at the Synod in 1640, were read in the House of Lords; and their Lordships voted the same *verbatim*, as they are in the Proceedings of the other House on the 16th of December last (y). An. 17. Car. I. 1641. The Lords vote the late Canons illegal.

Upon this Occasion the Bishop of Exeter (z) spoke as follows :

My Lords,

I Cannot chuse but know, that whosoever rises up in this Cause, must speak with the Disadvantage of much Prejudice ; and therefore I do humbly crave your Lordships best Construction. Bishop Hall's Speech in defence of the Convocation that made them.

Were it, my Lords, that some few doubting Persons were. to be satisfied in some Scruples about Matter of the Canons, there might have been some Life in the Hope of prevailing : But now that we are borne down with such a Torrent of general and resolute Contradiction, we yield ; but yet give us Leave, I beseech you, so to yield, that Posterity may not say we have willingly betrayed our own Innocence.

First, ' Therefore, let us plead to your Lordships and the World, that, to abate the Edge of that Illegality which is objected to us, it was our Obedience that both assembled and kept us together, for the making of Synodical Acts. We had the Great Seal of England for it, seconded by the Judgments of the Oracles of Law and Justice (a), and, upon these, the Command of our Superior (b), to whom we have sworn, and owe Canonical Obedience : Now, in this Case, what could we do ? Was it for us to judge of the Great Seal of England, or to judge

(y) See before, p. 44.

(z) Dr. Joseph Hall. This Speech is not mentioned in any of the Collections of the Times ; but is taken from the Edition of his Works before cited.—In the Speeches upon Grievances, at the Beginning of this Session, the Reader will find several Arguments against these New Canons, p. 64, 80, 85, 90, &c.

(a) See the Opinions of the Judges, as to the Continuance of the Convocation after the Dissolution of the Parliament, in our Eighth Volume, p. 490.

(b) Archbishop Laud.

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judge of our Judges? (alas! we are not for the Law, but for the Gospel) or to disobey that Authority which was to be ever sacred to us? I beseech your Lordships to put yourselves a while into our Condition: Had the Case been yours, what would you have done? If we obey not, we are Rebels to Authority; if we obey, we are censured for illegal Proceedings. Where are we now, my Lords? It is an old Rule of Casuists, *Nemo tenetur esse perplexus*: Free us one Way or another, and shew us whether we must rather hazard Censure, or incur Disobedience.

‘In the *next* Place, give us Leave to plead our good Intentions, since we must make new Canons. I persuade myself we all came (I am sure I can speak for one) with honest and zealous Desires to do God and his Church good Service; and expected to have received great Thanks both of Church and Common-Wealth; for your Lordships see that the main Drift of those Canons was to repress and confine the indiscreet and lawless Discourses of some, either ignorant or parasitical, I am sure offensive, Preachers; to suppress the Growth of *Socinianism*, *Popery*, *Separatism*; to redress some Abuses of Ecclesiastical Courts and Officers; in all which, I dare say, your Lordships do heartily concur with them: And if, in the Manner of Expression, there have been any Failings, I shall humbly beseech your Lordships, that those may not be too much stood upon, where the main Substance is well meant, and, in itself, profitable.

‘In the *third* Place, give me Leave to put your Lordships in mind of the continual Practice of the Christian Church, since the first Synod of the Apostles (*Acts*, xv.) to this present Day; wherein, I suppose, it can never be shewed, that any Ecclesiastical Canons, made by the Bishops and Clergy, in Synods General, National or Provincial, were either offered, or required, to be confirmed by Parliaments. Emperors and Princes, by whose Authority those Synods were called, have still given their Power to the Ratification and Execution of them;
and

and none others: And if you please to look into An. 17. Car. I.
Times within the Ken of Memory, or somewhat 1641.
beyond it, *Linwood's Constitutions*, what Parliaments confirmed the Injunctions of Queen Elizabeth? The Canons of King James were never tendered to the Parliament for Confirmation, and yet have so far obtained hitherto, that the Government of the Church was by them still regulated. Compare, I beseech you, those of King James with the present; your Lordships shall find them many, peremptory, resolute, standing upon their own Grounds, in Points much harder of Digestion than these, which are but few, and only Seconds to former Constitutions. If therefore, in this, we have erred, surely the whole Christian Church of all Places and Times hath err'd with us; either, therefore, we shall have too good Company in the Censure, or else we shall be excus'd.

Fourthly, ' Give me Leave to urge the Authority of these Canons; in which regard, if I might, without Offence, speak it, I might say, That the Complainants have not (under Correction) laid a right Ground of their Accusation. They say we have made Canons and Constitutions. Alas! my Lords, we have made none; we neither did nor could make Canons, more than they can make Laws; the Canons are so to the Church, as Laws are for the Common-Wealth. Now, they do but *rogare Legem*; they do not *ferre* or *sancire Legem*; that is only for the King to do: It is *le Roy le veult*, that of Bills makes Laws. So was it for us to do in Matter of Canons; we might propound some such Constitutions as we should think might be useful; but when we have done, we send them to his Majesty, who, perusing them, *cum Avisamento Consilii sui*, and approving them, puts Life into them; and, of dead Propositions, makes them Canons: As therefore the Laws are the King's Laws, and not ours, so are the Canons the King's Canons, and not the Clergy's. Think thus of them, and then draw what Conclusions you please.

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‘As for that pecuniary Business of our Contribution, wherein we are said to have trench’d upon the Liberty of Subjects, and Property of Goods; I beseech your Lordships, do but see the Difference of Times: We had a Precedent for it; the same Thing was done in Queen Elizabeth’s Time, in a Mulct of three Shillings in the Pound, and that after the End of the Parliament, with the same Clauses of Suspension, Sequestration, Deprivation; without Noise of any Exception, which is now cried down for an unheard-of Encroachment. How legal it may be I dispute not, and did then make bold to question; but let the Guide of that Example, and the Zeal that we had to the Supply of his Majesty’s Necessities, excuse us *a tanto* at least; if having given these as Subsidies, sitting the Parliament, and the Bill being drawn up for the Confirmation of the Parliament, we now, upon the unhappy Dissolution of it, as loth to retract so necessary a Grant, were willing to have it continued to his Majesty’s Use.

‘But, my Lords, if I may have Leave to speak my own Thoughts, I shall freely say, That whereas there are three general Concernments, both of Persons and Causes, merely Ecclesiastical, merely Temporal, or mix’d of both Ecclesiastical and Temporal: As it is fit the Church, by her Synod, should take Cognizance of, and Order for, the first, which is merely Ecclesiastical; so next, under his Majesty, the Parliament should have the Power of ordering the other: But, in the mean time, my Lords, where are we? The Canons of the Church, both late and former, are pronounced to be void and forceless: The Church is a Garden or Vineyard inclosed; the Laws and Constitutions of it are as the Wall, or Hedge; if these be cast open, in what State are we? Shall the Enemies of this Church have such an Advantage over us, as to say, we are a lawless Church? or shall all Men be left loose to their licentious Freedom? God in Heaven forbid!

‘Hitherto

‘ Hitherto we have been quietly and happily governed by those former Canons, the Extent where-
of we have not all, I hope (and, for some of us, I am confident we have not) exceeded; Why should we not be so still? An. 19. Car. 1.
1648.

‘ Let those late Canons sleep, since you will have it so, till we awake them, which shall not be till Dooms-Day; and let us be where we were, and regulate ourselves by those Constitutions, which were quietly submitted to on all Hands; and for this which is past, since what we did was out of our true Obedience, and with honest and godly Intentions, and according to the universal Practice of all Christian Churches, and with the full Power of his Majesty’s Authority, let it not be imputed to us as any way worthy of your Lordships Censure.’

This Day a Bill *For restoring in Blood and Honour Sir William Wentworth, Bart. and the rest of the Children of the late Earl of Strafford; and for settling the Lands and Tenements of the said late Earl,* was read in the House of Commons. Bill for restoring
Lord Strafford’s
Children.

June 14. A Message being sent to the Upper House from the Commons, to desire a free Conference about disbanding some Regiments in the King’s Army, the same was complied with; and the next Day the Earl of Bath reported it to the Lords, to this Effect:

‘ That the House of Commons had taken into Consideration the vast Charge, that the Kingdom laid under in maintaining the two Armies: That they have used their utmost Endeavours in providing Money for disbanding both of them: That Necessity enforceth them to disband the King’s Army by Parts, as they shall be able to provide Money, and the Scots Army wholly and altogether.—In disbanding the King’s Army, they will first disband those that lie in the more Southern Parts: That they intend to disband five Regiments; the Regiment of Hull, and the Earl of Northdale’s Company, in the Regiment of Sir Charles Vavasor; and so other

An. 17. Car. 1. 1641. Regiments to march to give way, but not above 300 in a Company.' Upon this Report another Conference was appointed on the same Subject.

June 15. The Commons went into a Grand Committee on the Bill *For the utter Abolishing of Bishops, &c.* when a Motion being made for the taking away of Deans and Chapters out of the Church of England, Mr. William Thomas, Member for Carnarvon, spoke in favour of that Motion, as follows (c):

Mr. Hyde,

Mr. Thomas's Speech in support of a Motion for abolishing of Deans and Chapters.

I Have, heretofore, delivered the Reasons that induced me to yield my several Votes touching the Corruption and Unsoundness of the present Episcopacy and Church Government; for the Unlawfulness of Bishops intermeddling in Secular Affairs, and using civil Power; as also the Harm and Noxiousness of their sitting as Members in the House of Lords, and Judges in that Most Honourable and High Court (d): Now I crave Leave to do the like, in shewing the Reasons of my Vote concerning Deans and their Office. I say my Opinion then was, and now is, That as the Office is unnecessary, and themselves useless; so the Subsistence of the one, and Continuance of the other, needless; nay rather, as I will declare, most hurtful: Therefore may be easily spared; nay, rather ought to be abolished.

The Office of Deans doth neither tend or conduce, as some have alledged, to the Honour of God, the Propagation of Piety, the Advancement of Learning, or Benefit of the Common-Wealth: But, *contra*, they occasion the Dishonour and Disservice of God; the Hinderance, if not Destruction of Piety; the Suppression and Discouragement of Learning and learned Men; and the Detriment and Prejudice of Church and Common-Wealth.

(c) From the original Edition, printed by Tho. Harper, 1641.

(d) In a Speech of 15 Pages in *Folio*, printed in *Nelson's Collections*, Vol. II. p. 211.

Wealth. This, I conceive, I shall make most apparent, if Time and your Patience will permit. An. 17. Car. 1. 1641.

And, 1st, I humbly crave Leave, and I think it will not be impertinent, to declare what Deans were originally in their first Birth.

2^{dly}, What in their Increase and further Growth.

Lastly, Their present Condition, being at their full, and, as I hope, their final Period.

As to their Original; it is not to be denied but themselves and their Office are of great Antiquity, St. Augustine declaring both; but I do not say that it is an antient Office in the Church. What Officers Deans then were, be pleased to hear from St. Augustine's own Delivery, in his Book *de Moribus Ecclesiæ Catholicæ*, if that Book, as also that of *Monachorum*, be his, which Erasmus and others have doubted. The Monks, saith he, for their more Retiredness and better Contemplation, appointed Officers, which they called *Decanos*: The Office of them, and why they were so called, he delivereth in these Words as near as I remember, *Opus autem tradunt illis quos Decanos vocant, eo quod sunt deus præpositi, ut Neminem illorum Cura sui Corporis tangat, neque in Cibo, neque in Vestimento, neque si quid aliud vel quotidiana Necessitate, vel mutata, ut assolet, Valetudine; hi autem Decani, magna Sollicitudine, omnia disponentes & præsto facientes quicquid illa Vita, propter Imbecillitatem Corporis, postulet.*

Here we see the Office of Deans in St. Augustine's Time; Antiquity sufficient, but not Antiquity for being Officers in the Church: Therefore they do not rightly plead Antiquity, as to the Point now controverted, the Question being, Whether the Office, as now it is exercised, be the same that it was then? Surely they shall find it not only different, but in a Manner quite contrary. They are deceived that urge it; but they are to know that this Judicious House is able to discern and distinguish a counterfeit Face of Antiquity from the true: And in vain do they, with the *Gibeonites*, labour to deceive us by old Sacks, old Shoes, old Garments, old Boots, and old Bread that is dry and mouldy;

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1641.

I, therefore to no Purpose, and causelessly, do they charge us to affect Novelty, by our offering to take away Church-Governors and Government.

What these Men, I mean Deans, were originally, we see; and how they came to be Presbyters, and Ministers, and for what Cause, I shall hereafter declare: But we may not think this charging of us as Innovators strange, when Christ himself had his Doctrine censured as new; *What Doctrine is this*, said the Jews, in St. Mark? We are not then to expect that we shall escape the like Censure of innovating. *The Servant is not above his Lord, nor the Disciple above his Master*: And indeed so St. Paul found it, for the Athenians made the same Demand to him; *May we, say they, know what this new Doctrine, whereof thou speakest, is?* Acts xvii. 19. But let us *liberare Animas nostras, Conscientiæ satisfaciamus, nihil infame laboremus; consentiamus in eo quod convenit, non in eo quod traditum.*

But to return where I left:—Granting the Name and Office, we find them to be only Caterers, or Stewards, to provide Food and Raiment for the Monks; whole Garments, as they were not costly, so was not their Fare dainty, being but Bread and Water, as witnesseth St. Hierom, Albanus, Theodoret, and others. And Sarius, in the Life of Pachonius, written 1200 Years since, testifieth the same. — To have the like Employment now, I neither deny nor envy them.

Well now, let us see how they increased in Authority, and came to be accounted Officers of great Dignity. Why, thus: When, for the Austerity of their Lives, and Opinion of their Sanctity, Princes and others did bestow Lands and Revenues upon the Monks; then their *Præpositi*, the Deans, did partake of their Honours and Possessions; and then began the Corruption and poisoning of them; *Tunc Venenum infunditur in Deanos, Religio peperit Divitias, & Filia devoravit Matrem.* Answerable whereto is that of St. Hierom, *In Vitis Patrum*, 'Since Holy Church increased in Possessions, it decreased in

Vir-

'Virtues.' The like hath *St. Bernard*, and many others. An. 17. Car. 1.
1641.

'Thus we see that the Spring that was clear in the barren Mountains, descending down to the richer Vallies, becomes thick and muddy; and, at last, is swallowed up by the brinish Ocean,

Salsum perdulces imbibet Aequor Aquas.

'But, to deliver it in the Words of an Honourable Author: 'Time, saith he, is most truly compared to a Stream that conveyeth down fresh and pure Water into the Salt Sea of Corruption, which invironeth all human Actions; and therefore if a Man shall not, by his Industry, Virtue, and Policy, as it were with the Oar, row against the Stream and Inclination of Time, all Institutions and Ordinances be they never so pure, will corrupt and degenerate.' This we shall see verified in Deans and their Officers.

'These Deans being thus endowed with great Possessions, it was ordained they should be chosen, out of the Presbytery, to that Place; *Ne sit Decanus nisi Presbyter*, as I find in *St. Bernard*. Well, did they rest in this State and Condition? No: They must be Civil Magistrates, Chancellors, or Keepers of the Seal, Lord Treasurers, Privy Counsellors; and what have they not of Lay Offices, Dignities and Titles? I will not trouble you with Enumeration of particular Deans, I will only cite one, (tho', if Time permitted, I might cite twenty-one) and that is the Dean of *St. Paul's*, who was made Lord Treasurer about the Year 1197, and, carrying that Office, quickly hoarded up a great Treasure; at last, falling into a deadly Disease past Recovery, he was exhorted by the Bishops and great Men to receive the Sacrament of Christ's Body and Blood, which he trembling at refused to do; but, upon the King's admonishing and commanding him to do it, he promised him thereupon to do it the next Day: Being advised also to make his Will, he commanded all to void the Room but one Scribe; who beginning to write his Will in the accustomed Form,

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1643.

Form, *In the Name of the Father, of the Son, &c.* the Dean perceiving it, commanded him, in a Rage, to blot it out, and these Words only to be written, *I bequeath all my Goods to my Lord the King, my Body to the Grave, and my Soul to the Devil!* which being uttered, he gave up the Ghost. The King hereupon commanded his Carcase to be carried in a Cart, and drown'd in the River. Good God, what a Change is this, from being humble Servants to poor Monks, to become proud Prelates, Peers to Princes! *Quantum mutati ab illis, nunc Cigni qui modo Corvi.* They now forsake their *Templa Paupertatis & Templa Pietatis, tanquam noxia Numina*; and only allow and make Choice of *Templa Honoris & Templa Fortunæ*. They then took Care for the poor Monastery; but now poorly care for the Ministry; and, to speak no less truly than plainly, they do either just nothing, or (what is worse) nothing that is just. — But, not to trace them further, let us examine what their present Office is, which we find so honour'd and dignified.

In the Constitutions of Henry VIII. and Edward VI. thus I read, *Decani quoque, cum in Clero amplam Dignitatem & Locum honoratum in Ecclesia sortiantur, Presbyteri sunt; Viri graves, docti, & magna Prudentia insignes, Cathedrales Ecclesias juxta illarum Constitutiones regant; Collegia, tam Canonorum quam Clericorum Ecclesia majoris, præsent, neque Disciplinam labi sinant; provideantque, summa Diligentia, ut in sua Ecclesia sacri Ritus, Ordine ac justa Ratione, peragantur; utque omni Ordine & convenienti Gravitate, ad Fratrum Utilitatem agantur; ut Archidiaconi foris, sic illi domi (hoc est in Ecclesia Cathedrali & ejus Canonicis & Clericis) Episcopo sint Adjumento, quasi duo ejus Membra utilissima & necessaria. Quare, nec Decani abesse debent a sua Ecclesia, sine maxima & urgentissima Causa ab Episcopo approbanda.* — I have delivered the whole Chapter entire, because I would deal clearly.

Afterwards, in the ninth Chapter, I read Preaching to be part of their Duty, *Concionem habeat Decanus;*

canus, in Ecclesia Cathedrali, singulis Diebus Dominicis. An. 17. Car. I. 1641.

‘ Thus their Office is declared to be these Particulars following :

1. ‘ To rule and order the Church, and to look to the Repair, and for the Decoration thereof, as is also elsewhere enjoin’d.

2. ‘ To preserve Discipline and holy Rites.

3. ‘ To be Adjuments, or Assistants, to the Bishops in Cathedrals, as be the Archdeacons abroad ; part of which Assistance is, as it seemeth, to preach for them ; but the Bishops will excuse them that Service, as too painful ; nay, forbid it, as too dangerous : Yet, tho’ they will not busy themselves in Preaching, they have Leisure to be inventive and operative in poor beggarly Toys and Trifles, which neither bring Honour to God, nor Good to the Church and People. Their Preaching and godly Life did, antiently, win the People’s Hearts to love God, and them ; as his Ministers, whom they received as Angels of God, Ambassadors from Heaven.

‘ Humility, Piety, and Industry, laid the Foundation of all those magnificent Structures, Dignities, Titles, Places, Revenues, and Privileges wherewith the Church-Men were antiently endowed ; what hath, or is likely to waste and demolish them, is easy to conjecture : King *James* hath delivered it in these Words, ‘ The natural Sickness that hath ever troubled, and been the Decay of all Churches since the Beginning of the World, hath been Pride, Ambition, and Avarice ; and these Infirmities wrought the Overthrow of the *Popish* Church in this Country and many others : But the Reformation of Religion in *Scotland* was extraordinarily wrought by God ; tho’ many Things were inordinately done by such as blindly were doing the Work of God.’—Thus far that wise and religious Prince.

‘ But lest I should forget a principal Part of the Office, *Church Music*, it shall have here the first Place ; the rather for that as I read the first Coming in thereof was to usher in *Antichrist* ; for I do find,

in

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in my Reading, that, *Anno* 666, (the Year that was design'd or computed for the Coming of *Antichrist*) *Vitalian*, Bishop of *Rome*, brought into the Church singing of the Service, the Use of Organs, &c. as we read in *Platina*, *Baleus*, and others, in the Life of *Vitalian*, who therefore was called the *Musical Pope*; altho', at that Time there was greater Occasion of Sorrow, the *Lombards* having entered and wasted *Italy*; and therefore Fasting and Prayer had been more proper than Music and melodious Singing. Hereupon, saith my Author, Ignorance arose among the People, lull'd, as it were, asleep by the confused Noise of many Voices. This carried a Colour of advancing Devotion, altho' it was no better, as the Case then stood, than the Altar erected to the unknown God, *Acts* xvii. Hereby the Key of Knowledge was hid, *Luke* xi. when the Common People understood not what was sung, and the Heat of Zeal was quenched in Men of Understanding, whose Ears were tickled, but Hearts not touch'd; whilst, as St. *Augustine* complaineth of himself, most were more moved by the Sweetness of the Song, than by the Sense of the Matter which was sung unto them; working their Bane, like the deadly Touch of the Asps, in a tickling Delight; or as the soft Touch of the Hiena, which doth insatuate and lull asleep, and then devourerh.

If Service in the *Latin* Tongue, whereof the simplest People understood somewhat, was justly censured, certainly this Manner of singing Psalms and Service, whereof the most learned can understand nothing, is to be condemned.

I dislike not singing, tho' by Music of Organs or other Instruments, but I wish that what is sung may be understood; and as *Justinian* the Emperor commanded all Bishops and Priests to celebrate Prayer with a loud and clear Voice, *non tacito Modo*, that the Minds of the Hearers might be stirred up with more Devotion to express the Praises of God; so wish I, that Service and Psalms may be so read and sung that they may be understood, and so edify the Mind as well as please the Ear.

Now

‘ Now I am to declare that this Office of Deans An. 27. Caro. 8.
doth neither tend to the Honour of God, the Pro- 1642.
pagation of Piety, the Advancement of Learning,
or Benefit of the Common-Wealth; but to the
contrary, as I have delivered, rather to the Dis-
honour, &c. But the Day being so far spent, I will
not assume too much Boldness to press upon your
Patience for further hearing thereof; and only
crave Leave for further rendering thereof at a fitter
Opportunity, and your better Conveniency.’

This Motion was oppos'd by Sir Benjamin
Rudyard, Member for Wilton, in the following
Speech (e):

Mr. Hyde,

‘ WE are now upon a very great Business, so
great indeed, as it requires our soundest, Sir Benjamin
our saddest Consideration; our best Judgment for Rudyard's
the present, our utmost Foresight for the future. Speech against
that Motion.

‘ But, Sir, one Thing doth exceedingly trouble
me, it turns me round about, it makes my whole
Reason vertiginous; which is, that so many do
believe, against the Wisdom of all Ages, that now
there can be no Reformation without Destruction;
as if every sick Body must be presently knock'd on
the Head, as past Hope of Cure.

‘ Religion was first and best planted in Cities;
God did spread his Net where most might be caught.
Cities had Bishops and Presbyters: Presbyters were
the Seminaries, out of which were sent Labourers
by the Bishops, to propagate and cultivate the Gos-
pel. The Clergy then lived, wholly, upon the
Free-will Offerings and Bounty of the People.

‘ Afterwards, when Kings and States grew to
be Christians, the outward Settlement of the Church
grew up with them: They erected Bishopricks,
founded Cathedral Churches, endowed them with
large Possessions; Landlords built Parish-Churches,
gleab'd them with some Portion of Land, for which
they have still a Right of Presentation.

I

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‘ I do confels that some of our Bishops have had ambitious, dangerous Aims, and have so still; that, in their Government, there are very great Enormities: But I am not of their Opinion who believe, That there is an innate ill Quality in *Episcopacy*, like a specifical Property, which is a Refuge, not a Reason. I hope there is no original Sin in *Episcopacy*; and though there were, yet may the Calling be as well reformed as the Person regenerated.

‘ Bishops have governed the Church for fifteen hundred Years, without Interruption; and no Man will say, but that God hath saved Souls in all those Times under their Government. Let them be reduced, according to the Usage of antient Churches in the best Times; so restrained that they may not be able, hereafter, to shame the Calling. I love not those that hate to be reformed; and do, therefore, think them worthy of the more strict, the more close Reformation.

‘ We have often complained, that Bishops are too absolute, too singular. Although Cathedral Churches are now, for the most part, but Receptacles of Drones and Non-Residents, yet some good Men may be found, or placed, there to be Assessors with the Bishops; to assist them in Actions of Moment, in Causes of Importance; there is Maintenance already provided for them.

‘ If either in Bishopricks, or Cathedral Churches, there be too much, some may be pared off, to relieve them that have too little: If yet more may be spared, it may be employed to the setting up of a preaching Ministry through the whole Kingdom. And, untill this be done, although we are Christians, yet are we not a Christian State. There are some such Places in *England* as are not in *Chri- stendom*, the People are so ignorant; they live so without God in the World; for which Parliaments are to answer both to God and Man. Let us look to it, for it lies, like one of the Burdens of the Prophet *Isaiah*, heavy and flat upon Parliaments.

‘ I have often seriously considered with myself, what strong concurrent Motives and Causes did
meet

meet together in that Time, when Abbies and Monasteries were overthrown. Certainly God's Hand was the greatest, for he was most offended. The prophane Superstitions, the abominable Idolatries, the filthy nefandous Wickedness of their Lives, did stink in God's Nostrils, did call down for Vengeance, for Reformation. A good Party of religious Men were zealous Instruments in that great Work; as likewise many covetous, ambitious Persons, gaping for fat Morfels, did lustily drive it on.

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' But, Mr. *Hyde*, there was a principal Parliamentary Motive, which did facilitate the rest: For it was propounded in Parliament, that the Accession of Abbey-Lands would so enrich the Crown, as the People should never be put to pay Subsidies again. This was plausible to both Court and Country: Besides, with the Overplus, there should be maintained a standing Army of 40,000 Men, for a perpetual Defence of the Kingdom. This was Safety at home, Terror and Honour abroad. The Parliament would make all sure.

' God's Part, Religion, hath, by his Blessing, been reasonably well preserved; but it hath been saved as by Fire: For the rest is consumed and vanished. The People have paid Subsidies ever since, and we are, now, in no very good Case to pay an Army.

' Let us beware, Mr. *Hyde*, that we do not look with a worldly, carnal, evil Eye upon Church-Lands: Let us clear our Sight, search our Hearts, that we may have unmix'd and sincere Ends, without the least Thought of saving our own Purses. Church-Lands will still be fittest to maintain Church-Men, by a proportionable and orderly Distribution.

' We are very strict and curious to uphold our own Property; and there is great Reason for it: Are the Clergy, only, a Sort of Men who have no Property at all in that which is called theirs? I am sure they are *Englishmen*, they are Subjects.

' If we pull down Bishopricks, and pull down Cathedral Churches, in a short Time we must be forced

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An. 17. Car. 1. 1642. forced to pull down Colleges too; for Scholars will live and die there as in Cells, if there be not considerable Preferment to invite them abroad: And the Example we are making now, will be an easy Temptation to the less-pressing Necessities of future Times.

‘ This is the next Way to bring in Barbarism, to make the Clergy an unlearned contemptible Vocation, not to be desired but by the basest of the People; and then where shall we find Men able to convince an Adversary?’

‘ A Clergyman ought to have a far greater Proportion to live upon, than any other Man of an equal Condition. He is not bred to multiply Three-pences; it becomes him not to live mechanically and sordidly; he must be given to Hospitality. I do know myself a Clergyman, no Dignitary, whose Books have cost him 1000*l.* which, when he dies, may be worth, to his Wife and Children, about 200*l.*

‘ It will be a shameful Reproach to so flourishing a Kingdom as this, to have a poor beggarly Clergy. For my Part, I think nothing too much, nothing too good, for a good Minister, a good Clergyman. They ought least to want, who best know how to abound. Burning and shining Lights do well deserve to be set in good Candlesticks.

‘ Mr. Hyde, I am as much for Reformation, for purging and maintaining Religion, as any Man whatsoever: But, I profess, I am not for Innovation, Demolition, nor Abolition.’

Mr. Pury, Member for Gloucester, spoke thus in support of the Motion (f):

Mr. Hyde,

Mr. Pury's for it, ‘ I Rise not up to answer the Arguments of the learned Gentleman of the long Robe that spake last (g); the which were to prove some Incoherence of the Preamble with the Body of the Bill,

(f) Printed by Richard Lowndes, 1641.

(g) We do not find the Speech, here refer'd to, in any Collection.

Bill, concerning the abolishing of Deans and Chapters, in respect of their Government in the Church of *England*, who have none at all, as hath been argued; but there are some Reasons stick with me, whereby I do conceive, that the Deans and Chapters have been, and are Part of the Government of the Church of *England*; and that the Preamble and Body of this Bill, therein may very well stand together: For, if you take the Deans and Chapters in their Original, who (as it was said by a learned Serjeant over against me) were first founded in Superstition, like to your Regular and Secular Monks; or if you consider them, as in their prime Institution, to be *Consilium Episcopi*, to assist Bishops in their Government and Discipline; or if you look upon those Deans and Chapters, of the last Foundation by *Henry VIII.* yet, certainly, they are, in all these Capacities, a Part of the Government of the Church of *England*; and as well the Rural, as the Cathedral Deans, are numbred by our own Writers among Church Governors; and they are, in and among themselves, a Part of the Church Government; and, by the *Book of Reformation of Ecclesiastical Laws*, they are to govern themselves according to their Statutes of Foundation; and to keep them pure and entire, so far as they are not repugnant to the Word of God, and our Constitutions of Religion.

Now, for the better Satisfaction of this Committee and myself, here is a Copy of the Statutes, Grant, and Foundation of the Dean and Chapter of the City of *Gloucester*. I have read them over, and do find, *first*, The End wherefore the Lands and Possessions were granted unto them; *secondly*, The Manner and Form of Government of themselves; and, *lastly*, Their several Oaths to keep all the Statutes prescribed unto them: And, because of my weak Memory, please you to give me Leave to read the Words in the King's Grant, *Englisht* thus:

We have erected and constituted Cathedrals and Colleges in the Place of Monasteries; to the End that,
where

An. 17. Car. 1. *where Ignorance and Superstition did reign, there the sincere Worship of God should flourish, and the Holy Gospel of Christ Jesus should be daily and purely preached. And further, that the Increase of the Christian Faith and Piety, the Instruction of Youth in good Learning, and the Sustentation of the Poor, should be for ever there kept, maintained, and continued; and the said Dean, Prebendaries, Canons, and all other Persons belonging to the said Cathedrals and Colleges, are to be governed and ruled according to the Statutes prescribed unto them.*

* Sir, the Statutes are many; I will, in brief, tell you the Substance of some few of them: The said Dean, Prebendaries, and Canons, are always to reside and dwell in the Houses of the said Cathedrals; and there to keep a Family, good Hospitality, to feed the Poor, and to distribute Alms unto the Needy; to be careful to preach the Word of God, *in Season and out of Season*; and to sow the Seed of the Word of God abroad, but especially in the said Cathedral Church; and to have Youth profitably taught there: And to the End that they may all serve God, as well at Meals as in the Church, they are to have a common Table in the common Hall of the said Cathedral, where the said Canons, Scholars, Choiristers, and Under Officers, are appointed to eat together: The said Dean and Chapter are also to give yearly 20 *l.* to the Poor, besides their own poor Alms-Men; and 20 *l.* more, yearly, towards the Repairing of Bridges and Highways thereabouts.

* Sir, for the Performance of the said Statutes and Premises, the said Dean, Prebendaries, Canons, and Ministers of the said Cathedral do, or ought, respectively to take an Oath; and thereby, in express Words, do call God to Witness, and do swear upon the Holy Evangelists, to rule, govern, and behave themselves well and faithfully in the said Church, according to the Will and Statutes of the Founder; and every one of them doth swear, that he will, to his utmost Power, well and faithfully keep all and singular the said Ordinances and Sta-

Statutes, as much as concerns himself; and will procure all others, as much as concerns them, to keep the same inviolably, *So help him God, and these Holy Gospels of God.*

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‘ Mr. Hyde, you see wherefore the Lands were granted unto Deans and Chapters; what their Statutes are, and their Oaths to keep them. It might be thought that these Men do know some Way, another or nearer Way, to Heaven than they teach us; or otherwise that they would not sit in the Seat of Perjury, as it may seem they do, without Remorse of Conscience: For it is notoriously known to the City of Gloucester, and Country thereabouts, That not one of the said Statutes, before-mentioned, are, or ever were, during my Remembrance, kept; or the Matters, contained in any of them, performed by any of the Deans or Prebendaries of the said Cathedral. They come indeed, once a Year, to receive the Rents and Profits of the said Lands; but do not distribute unto the Poor and Needy their Portion; neglecting altogether the Mending of the Highways and Bridges, and do not keep any common Table at all; and, instead of preaching the Word of God themselves, *in Season and out of Season*; they are, and have been, the chief Instruments to hinder the same in others.

‘ Infinite are the Pressures that many Cities, near unto Deans and Chapters, have endured by them and their Procurement. And whereas it was objected by another learned Gentleman of the long Robe, That the Deans and Chapters are a Body Corporate; and that they have as much Right unto their Lay Possessions as any other Body Politic, or any City or Town Corporate: I am of his Opinion, for such Lands and Possessions (if they have any) which they bought themselves in Right of their Corporation; or for such Lands as were given them for their own Use: And I am well contented that such Lands should be left unto them: But their Case is far different, in my Opinion; for I have shewed you before to what godly, pious, and charitable Uses the said Lands and Possessions

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An. 17. Car. 1. 1641. were granted unto them: And, suitable thereunto, you may call to mind the *Londoners Case*, about *Londonderry*, in the *Star-Chamber*; where they were fined 70,000 *l.* to his Majesty, and the same was afterwards estreated into his Majesty's *Exchequer*; but, upon the Writ of *Extent* issuing out thereupon, his Majesty, as I have heard, received no Benefit of any such Lands, whereof the Corporation was seized for the Maintenance of any Hospitals, Bridges, or other charitable Uses; nor ought to have done, as I conceive.

Seeing therefore the said Deans and Chapters are but Trustees, and the Profits of the said Lands so ill employed by them, contrary to the Trust reposed in them, I am clear of Opinion, that, by a Legislative Power in Parliament, it is fit to take them away; and to put them into the Hands of Feoffees, to be disposed of to such pious, religious, and charitable Uses, as they were first intended. But it was said by a worthy Knight, 'That he should be unwilling to take away their Lands and Possessions, untill he first knew how they should be disposed of; and how the Persons, who were many thousands in this Kingdom, as he said, that would want Bread, should be provided for.'—Certainly, Mr. *Hyde*, although that is not the Work at this Time, yet I account it no Difficulty to satisfy that worthy Knight; for I find, upon the Survey of the Lands of the said Deanry of *Gloucester*, that it hath above twelve Rectories of good Value, and about thirty Vicarages, Pensions, and Portions of Tythes; which being, at the first, *Deo consecrata*, most fit they should be still employed for the Maintenance of the Gospel; and therefore if the Dean and Prebendaries, being but Seven in all to be now taken away, will be preaching Ministers, there is, I hope, sufficient Maintenance for so many of them as have not too much besides; and yet to reserve as large a Salary, as now they have, for so many Singing Men there, not in Holy Orders, who cannot preach. Then there are left to be provided for, only the Organist, eight Singing

ing Boys, two School Masters, four poor Alms Men, and some Under Officers; whose yearly Wages come unto about 100 *l. per Annum*. The said Dean and Chapter have also almost the third Part of the Houses of the City of *Gloucester*, the old Rent of them being, yearly, about 175 *l.* which will well defray that Charge, with a sufficient Surplusage for repairing the Highways and Bridges, and 20 *l.* yearly to the Poor, as aforesaid.

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‘ Over and besides the said yearly Revenues beforementioned, the Dean and Chapter of *Gloucester*, although but of the last Foundation, and one of the least Revenues in this Kingdom, have eighteen goodly Manors, and also divers other Lands, Tenements, and Hereditaments; besides the Manors, Houses, and Premises, the old Rent of Assize of one of the said Manors being 80 *l. per Annum*. Out of these Manors and Lands, the said Cathedral being to be made a Parochial Church, 200 *l. per Annum*, or more, may be allowed for a learned preaching Minister there; and 100 *l.* a Year a-piece for two such others to assist him; all which Stipends, within few Years, some of the said Manors will discharge, and also sufficiently repair the said Cathedral Church; and then the rest of the said Manors and Lands may be employed to other godly, pious, or charitable Uses, as the Wisdom of the King and Parliament shall think fit. Suitable to this, but in a more ample Proportion of Maintenance, will be the Allowances of all other Deanries in *England*.

‘ Again, this, I conceive, will answer another Objection, raised by a worthy Knight at the Bar, touching the Poverty of the Clergy of *England*. If this Bill should take Effect, surely my Opinion is quite contrary; and, to that Purpose, I call to Mind the Saying of a learned Divine, Chaplain to a Nobleman, upon some Conference with him of our wished Desire to remove scandalous Ministers, and to reduce the Impropropriations of Bishops, and Deans and Chapters, to a preaching Ministry: ‘ If these Things, said he, take Effect, the Universities will not be able to supply the Churches.’

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And surely, Sir, if these Things take Effect, I am confident we shall be so far from having a poor beggarly Clergy, as that no Kingdom in the Christian World will have a more rich and flourishing Clergy; both for Nurseries and Encouragements of Learning, and for their Maintenance in a more plentiful Manner than it is at this present: Please you to put the Question, I am ready to give my Aid thereunto.

Mr. Speaker having resumed the Chair, Mr. Hyde reported from the Committee the following Resolutions, which were agreed to by the House:

The Commons
resolve to abolish
all Deans and
Chapters, Arch-
deacons, Preben-
daries, &c.

Resolved, by the Commons, 'That all Deans, Deans and Chapters, Archdeacons, Prebendaries, Chanters, Canons and Petty Canons, and their Officers, shall be utterly abolished and taken away out of the Church.

'That all the Lands, taken by this Bill from Deans and Chapters, shall be employed to the Advancement of Learning and Piety; Provision being had and made, that his Majesty be no Loser in his Rents, First-Fruits, and other Duties; and that a competent Maintenance shall be made to the several Persons concern'd, if such Persons appear not peccant and Delinquents to this House. — But to proceed with other Matters.

Further Proceed-
ings relating to
the Plot.

The House of Commons now began to search into and unravel the late Plot, which they had neglected for some Time: But some Information having been given them of a Letter sent to the Earl of Northumberland from his Brother, Henry Percy, Esq; one of the Knights for that County, wherein were some Expressions of his towards making a further Discovery, the House dispatched two of their Members, Mr. Holles and Mr. Hampden, to the Earl, for further Information about it. These Gentlemen being returned, reported to the House, 'That they had waited on the Earl, and informed him, that the House desired to know if he had received any Letter, or Relation, from his Brother:

ther: That they found him much troubled, conceiving that there were more Doubts and Jealousies raised. He said he had received no such Letter, or Relation; but own'd to one from his Brother, of his own Hand-writing, in which there was something concerning a Discovery. In this Letter, he said, there was also somewhat of private Business between him and his Brother, which was the Occasion of his keeping the Letter; but, if the House pleased, he was willing to give them a Copy of so much of it as concerns that Business, which any Member might compare with the Original. At present, he said, his Brother acknowledged the taking of an Oath of Secrecy: That the Company concerned had tied themselves by that Oath, and were resolved to assist the King, if it was denied by Parliament, to maintain Bishops in their Votes and Functions; also, the *Irish* Army not to be disbanded till the *Scots* was; and to keep up the King's Revenue.—The House then ordered the aforesaid Gentlemen to go again to the Earl, and desire a Copy of so much of the Letter as concerns this Business (i).

The next Day Mr. *Holles* acquainted the House, That they had waited upon the Earl, then Lord Admiral, for a Transcript from the Letter, and the same was read in the House; in which was much that concerned three Members of their Body, viz. Commissary *Wilmot*, Member for *Tamworth*, Col. *Asburnham*, Member for *Luggershall*, and Col. *Pollard*, Member for *Borlston*. On which the two first were ordered to withdraw, and Col. *Pollard* was examined, on Interrogatories, on the Spot, and afterwards the others; when it was resolved, upon the Question, 'That they should all three be committed Prisoners, upon Suspicion of *High Treason*, viz. Col. *Wilmot*, to the *Tower*; Col. *Asburnham*, to the *Gatehouse*; and Col. *Pollard*, to the *King's-Bench*.'

Three Members
committed on account of it.

In the Afternoon of this Day the two Houses had another Conference, in which the Earl of *Bristol*

A a 3

(i) This Letter is at large in *Rushworth* Vol. IV. p. 255, and *Nelson* Vol. II. p. 226.

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fol proposed to the Commons, ' That a total Disbanding of the Armies should be made, if they were provided for it at present; and the Lords would be ready to give them all possible Assistance for perfecting that great Work: That if the Commons would make out an Estimate of what would be wanting for it, the Peers would join with them most readily: For, untill such Time that a total Disbanding and Disarming be resolved on and declared, it was much to be doubted that there would be greater Difficulty in raising Money and getting Credit; and therefore it was desired to employ all their joint Endeavours for a total Disbanding of the Armies. If there be not a Possibility presently to disband all the five Regiments, it was held fit to be proposed to the *Scots*, that they, at the same Time, at least, retire from the *Tees* homeward, and ship their Field Ordnance at *Newcastle*; and that the *English* likewise cause their Ordnance to retire with the Train of Artillery.' In Consequence of which, the Commons went upon Ways and Means to effect this necessary Work, and to raise Money for Payment of the Armies; and a Committee was appointed for that Purpose.

State of the Debt
due to the English
and Scots Armies.

June 17. This Day Sir *John Hosham*, Member for *Beverley*, reported the State and Substance of the then national Debt, on the Army's Account, to be as follows:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
The Parliament undertook to pay the Army and Garrisons upon the 10th of <i>November</i> last, which, to the 29th of <i>June</i> , is eight Months and seven Days,	412050	0	0
For disbanding, a Month's Pay	50000	0	0
	462050	0	0
The King's Army hath had of this	150000	0	0
Remains due to the King's Army	312050	0	0

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The Treaty, from which Time
we pay the *Scots*, begun *October*
16th, which, to the 29th
of *June*, is eight Months 24
Days

For Shipping ——— 4000 0 0

Total due to the *Scots* is ——— 220750 0 0

The *Scots* have had ——— 105000 0 0

Remains due to them, Shipping } 115750 0 0
and Pay

Due to the King's Army *Econtra* 312050 0 0

Total due to the King's Army } 427800 0 0
and the *Scots*

To the *Scots* must presently be } 80000 0 0
paid, of the *Brotherly Assist-*
ance Money

And there must be, within 15 } 507800 0 0
Days, in *Yorkshire*, else the Sum
will every Day encrease

587800 0 0

To pay this great Sum we yet but } 100000 0 0
know of, from the old Custo-
mers,

From the new Customers ——— 15000 0 0

From the City ——— 40000 0 0

And, a Month hence, from the } 50000 0 0
old Customers

205000 0 0

So that all the Money we have } 382800 0 0
yet in View being gone, we
are to provide

If the Country trust the Billet, and } 60000 0 0
the Officers, from a Captain
upwards, be at Half-Pay, it is
thought it will amount to

Which taken out of the Sum, will } 322800 0 0
rest

For

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For the Money provided by Subsidies, and other ways, the State is conceived to be thus:

Upon the first six Subsidies	—	300000	0	0
Upon the last	—	400000	0	0
Upon the old Customers	—	150000	0	0
Upon the new	—	15000	0	0

Total is 865000 0 0
The two Armies have already had 255000 0 0

Remains 610000 0 0

There was owing to the Scots, besides this, 220,000 l. for which Security must be given them.

After the reading of this Account of the public Debt, the House of Commons ordered, That all the Merchant-Adventurers in Town should have Notice to attend the Committee for raising Money, in order to borrow so much of them as would serve the present Occasions, at Ten per Cent. Interest. Another Conference was also desired with the Lords, and a free Debate concerning the Disbanding of the Armies.

Act of Tonnage and Poundage pass'd by the Commons.

The Bill For granting to the King a Subsidy of Tunnage and Poundage, and other Sums payable upon Merchandize imported or exported, was read a third Time, passed, and was ordered to be sent up to the Lords the next Morning.

Proposal for a Poll-Tax to pay the Armies.

June 18. This Day Sir John Hotham made another Report, from the Committee for advancing Money, That the Proposition for making Spanish Money current was wholly rejected. Likewise, that it was proposed from the Committee, that every

	Duke should pay	100	00	00
English	Marquis	80	00	00
or	Earl	60	00	00
Irish	Viscount	50	00	00
	Baron	40	00	00
	Baronets, and Knights of the Bath	30	00	00
	Knights			

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	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>An. 17. Car. I.</i>
Knights	20	00	00	1641.
Esquires	10	00	00	
Gentlemen that have 100 <i>l.</i> per Ann.	5	00	00	
Every Bishop	60	00	00	
Every Dean	40	00	00	
Canon Resident	20	00	00	
Archdeacons	15	00	00	
Chancellors and Commissaries	15	00	00	
Prebendary	10	00	00	
Every Parson, whose Living is 100 <i>l.</i> per Annum	5	00	00	
Lord Mayor of London	40	00	00	
Aldermen	20	00	00	
Aldermen's Deputies	15	00	00	
Common Council Men	5	00	00	
Master and Wardens of the twelve Companies	10	00	00	
Every one of the Livery thereof	5	00	00	
Master and Wardens of the other Companies, and such as have fined for Master or Warden	5	00	00	
Every one of their Livery	2	10	00	
Every Freeman of the twelve Companies	1	00	00	
Every Freeman of the other Companies, except Porters and Watermen	00	10	00	
Every Merchant Stranger, being a Knight	40	00	00	
Every Merchant Stranger at Sea	10	00	00	
_____ at Land	5	00	00	
English Merchants at Land, not free	5	00	00	
Factors	2	00	00	
Handicrafts-Men, Strangers, per Pole	00	02	00	
If House-keepers	00	04	00	
Serjeants at Law	20	00	00	
King's Serjeants	25	00	00	
King, Queen, and Prince's Council	20	00	00	
Doctors of Law and Physic	10	00	00	
If Papists	20	00	00	
Every Man of 100 <i>l.</i>	5	00	00	
Every				

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Every Man of 50 *l. per Annum* 2 00 00
 Everyone that can dispend 20 *l. per Ann.* 0 05 00
 All other Persons above sixteen, such as receive
 Alms only excepted, to pay 6 *d. per Head.*
Recusants, double in all.

This *Poll-Tax* was agreed to by several *Resolutions* of the House, with some Alterations and Additions too tedious to mention; because they run thro' all Orders and Degrees of Men, from the highest almost to the lowest, not omitting Widows, who were each to pay a third Part rated upon her Husband's Degree.

June 19. On this Day there were three Divisions of the House of Commons; the first was on the Question, Whether Sir *William Saville*, Member for *Old Sarum*, who had been committed to the *Tower* for some warm Expressions against the *Scots Army*, should be released or not? it was carried in the Negative, 126 against 112.

The *Scots Commissioners*, on a Treaty between the two Nations, had thrown a Proviso into it, to this Effect; 'Provided, that no Benefit in this Act shall be extended to any of the *Scots Prelates*, or to *John Earl of Traquair*, Sir *Robert Spottiswood*, Sir *John Hay*, and Mr. *Walter Balcanqual*, cited and pursued as Incendiaries between the two Kingdoms, and betwixt the King and his People, &c. nor to any other Person so cited, &c.' This Proviso was assented unto by the House, with this Addition, 'So that the same be reciprocal between both Nations, if they shall even appear to be Members of this House.' But a Question being put, Whether these last Words should stand? the House divided, and it was carried against them, 138 to 131. Another Question arising, Whether the former Part of the Sentence, concerning the remanding of Delinquents on both Sides, should also be rejected? a second Division ensued, when the Yeas were 166, and the Noes 123; So this Question was carried in the Affirmative.—All which
 Re-

Resolutions, being carried up to the Lords, were as- An. 17. Car. 1.
sented to by that House. 1641.

A Bill against Pluralities and Non-Residence was, this Day, read the third Time in the Commons House; and, being passed, was carried up to the Lords for their Assent. By this Act it was provided, 'That whosoever had two Livings, should, before the 21st of September next following, resign one of them: And that if any Clergy-Man should be absent, at one Time, 60 Days from his Living, he should, *ipso facto*, forfeit it.

June 21. The Lords passed the Bill for granting Tonnage and Poundage to the King, and received the other concerning Pluralities and Non-Residents. At the same Time Mr. Hampden, who carried it, desired the Lords to be as speedy as their Convenience would allow of in passing the three Bills formerly sent up, *viz.* concerning the *Star-Chamber*, *High Commission*, and disarming of *Recusants*.

This Day another Debate happened in the House of Commons, on the Bill *For abolishing Bishops, Deans, &c.*—We apprehend the Speeches, already given, exhibit a sufficient View of the Arguments on both Sides of the Question: And therefore, to avoid Prolixity, shall pass over the rest with a Reference only (*k*); and conclude our Account of this Debate in the Words of Lord Clarendon, who was the constant Chairman of this Committee.

'When every body expected that nothing should be mentioned in the House, but the Dispatch of the Treaty of the Pacification, by the Commissioners of both Sides; which was the only Obstruction to the Discharge of the Armies, and which could be done in two Days, if they pursued it: They call'd in a Morning [*May 27,*] for the Bill, that had so long before been brought in by Sir Edward Dering, *For the Extirpation of Episcopacy*, and gave it a second Reading (*l*); and resolved, 'That it should be com-

Ld Clarendon's
Account of the
Bill for abolishing
Episcopacy.

(*k*) *Rushworth*, Vol. IV. p. 170, 174, 183, 184, 186, 187, 293. The same Speeches are also in *Nelson*, Vol. I. p. 720, 748, 753, 762, 767, 768, 771; and Vol. II. p. 295.

(*l*) See Sir Edw. Dering's Speech on proposing the Bill, p. 291.

An. 17. Car. 1. committed to a Committee of the whole House,
1641. and that it should be proceeded upon the next Morning.

It was a very long Debate the next Morning, after the Speaker had left the Chair, who should be in the Chair for the Committee; they who wish'd well to the Bill having resolved to put Mr. *Hyde* into the Chair, that he might not give them Trouble by frequent speaking, and so too much obstruct the expediting the Bill; they who were against the Bill, press'd and cried loud to Mr. *Crew* to be in the Chair; but in Conclusion, Mr. *Hyde* was commanded to the Chair: They who were Enemies to the Bill being divided in Opinion, many believing, that he would obstruct the Bill more in that Place, than if he remain'd at Liberty; and they found it to be true.

The first Day the Committee sat full seven Hours, and determined, 'That every Day, as soon as the House was resumed, the Chairman should report the several Votes of that Day to the House, which should determine them before it rose;' which was without any Precedent, and very prejudicial to the grave Transaction of the Business: For, besides that it was a prejudging the House in its Judgment, who, upon Report of the Committee, should have Regard to the whole Bill in the Amendments made by them, which they were precluded from, by having confirmed the several Days Votes; it was so late every Day before the House was resumed, (the Speaker commonly leaving the Chair about Nine o'Clock, and never resuming it till Four in the Afternoon) that it was very thin: They only who prosecuted the Bill with Impatience, remaining in the House; and the others who abhorr'd it, growing weary of so tiresome an Attendance, left the House at Dinner-time, and afterwards follow'd their Pleasures: So that the Lord *Falkland* was wont to say, 'That they who hated Bishops, hated them worse than the Devil; and that they who lov'd them, did not love them so well as their Dinner.'

However, the Chairman gave some Stop to their Haste; for, besides that at the End of his Report every

every Day to the House, before the House put the An. 17. Car. 1.
Question for the Concurrence in the Votes, he 1641.
always enlarged himself against every one of them,
and so spent them much Time; when they were
in the Heat and Passion of the Debate, they often-
times were entangled in their Questions; so that
when he reported to the House the Work of the
Day, he did frequently report two or three Votes
directly contrary to each other; which, in the Heat
of their Debate, they had, unawares, run into.
And after near twenty Days spent in that Manner,
they found themselves very little advanced towards
a Conclusion; and that they must review all that
they had done; and the King being resolved to
begin his Journey for Scotland, they were forced to
discontinue their beloved Bill, and let it rest; Sir
Arthur Haslerig declaring in the House, That he
would never hereafter put an Enemy into the Chair.
Nor had they ever after the Courage to resume the
Consideration of the Bill, till after the War was
entered into.

Colonel *Goring* was again examined by the House
upon several Interrogatories, upon which he deposed,
That Sir *John Suckling* first told him of that De-
sign about the Middle of *Lent* last; and that after-
wards meeting with Mr. *Fermyn*, he desired that
he would meet him at *Whitehall* on the Queen's
Side, for that he was to speak with her Majesty,
and would confer with him concerning the Army;
where meeting at the Queen's Drawing-Chamber,
her Majesty told him the King would speak with
him; whereupon meeting with the King, his Ma-
jesty told him, That he was minded to set his Army
in a good Posture, being advised thereto by my
Lord of *Bristol*, as he said; and his Majesty then
commanded him to join with Mr. *Percy* and some
others in that Business (m).

Farther Exami-
nation of Col.
Goring relating
to the Plot.

(m) Dr. *Nalson* remarks hereupon, That Col. *Goring*, in his for-
mer Examination, (p. 337.) said, He fell into the Confederacy on ac-
count of the Army wanting their Pay; but, in this, he brings in
the King as the Occasion of his entering into it; which was after-
wards made use of to his Majesty's Prejudice.

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Foreign Letters
ordered to be
stopp'd and exa-
mined by the
Lords.

June 22. The Lords having desired his Majesty that he would give his Royal Assent to the Bill of Tonnage and Poundage, the Afternoon of this Day; a Message was sent to the other House, to inform them of it. About the same Time another Message came up from the Commons to this Effect; 'That this House finding every Day new Discoveries, of secret Councils and Meetings of *Jesuits* and others, and of several Plots and Designs to disturb the Peace of this Kingdom and of *Scotland*; and that this House was perswaded it was fomented by our Enemies abroad, who have Correspondencies with such as are here amongst us: They therefore desired their Lordships to take such a Course as they should think fit, that all these suspected Persons might be staid and examined; and all Letters, of that Week, inward and outward, seized upon, and brought to their Lordships for their Perusal.' This Request was wholly complied with by the Lords, and proper Orders were immediately given about it.

In the Afternoon of this Day his Majesty came to the House of Peers, and, being seated on the Throne, the Commons were sent for; whose Speaker, on the presenting the Bill for Tonnage and Poundage, made a Speech to the King; which being answered from the Throne, and the Bill, with another private one, being passed, his Majesty withdrew.

The Speaker's Speech, was as follows:

Most Gracious and Dread Sovereign,

The Speaker's
Speech to the
King at present-
ing the Bill of
Tonnage and
Poundage.

'THAT Policy, which weighs the Prerogative of the King and Property of the Subject in the same Scales, increases the Plenty of the Crown and Contentment of the People: The even poising of this Beam enables both; the one being ordained for the Preservation of the other.

'This Principle is so riveted into the Hearts of your Subjects, by the Acts of their Ancestors and Traditions of their Forefathers, that it hath created a Belief in them, that their Wills are bound to a
' due

‘ due Allegiance; and their Fortunes and Estates, An. 17. Car. I.
 ‘ as well as their Duty and Subjection, must bend 1643.
 ‘ to the Commands of that Sovereign Power,
 ‘ with which God hath invested your Sacred Ma-
 ‘ jesty.

‘ Compulsory Obedience, advanced by the tran-
 ‘ scendent Power of Pierogative, is too weak to
 ‘ support the Right of Government: It is the Af-
 ‘ fections and Estates of your People, tied with the
 ‘ Threads of Obedience by the Rules of Law, that
 ‘ fastens Safety and Prosperity to the Crown.

‘ The Experiment of elder Times, in the Reigns
 ‘ of the most valiant, puissant Princes, hath con-
 ‘ cluded this the Sovereign Preservative against the
 ‘ Diseases of Distraction and Confusion; and makes
 ‘ it manifest to the World, that the Honour and
 ‘ Glory of this Throne is to command the Hearts
 ‘ of Freemen.

‘ This admitted, the Permission of the least Di-
 ‘ minution, or any eclipsed Interposition between
 ‘ the Honour and Plenty of the Crown, contracts
 ‘ a Scorn upon the Nation.

‘ Several Parliaments, in former Times, have
 ‘ stampd the Character of a Free Gift upon the
 ‘ fore Front of this Aid; still offered by the People
 ‘ as a Sacrifice of Thanksgiving to the Crown, for
 ‘ the safe Conduct of your Merchants, and Provi-
 ‘ sion of the Navy; to strengthen your undoubted
 ‘ Dominion over the Seas, which hath protected
 ‘ your Allies, and is a Terror to your Enemies.

‘ Our Hopes were long since to have settled this,
 ‘ for the Measure and the Time; and with this to
 ‘ have presented to your Sacred Majesty the trium-
 ‘ phant Palm of Tranquility in all your Kingdoms:
 ‘ But, as a Ship floating upon a rough Sea, we have
 ‘ been cast upon the Rocks of Fear and Dangers,
 ‘ and tossed on the Billows of Distraction and Dis-
 ‘ trust of Church and Common-Wealth; where
 ‘ we yet remain, hopeless ever to pass through that
 ‘ narrow Channel which leads to the Haven of
 ‘ Peace, unless we be speedily steered on by the
 ‘ Hand

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1642.

Hand of your Sacred Wisdom, Care, and Providence. In the Midst of all these Troubles, and the several Opinions which have been amongst us, no Division had Power to distract any one of us from the Care and Duty we owe to your Sacred Person. And, to that End, am I now sent by the Commons of *England*, to present this as a Mark only, whereby your Sacred Majesty may view the inward Duties of our Hearts; untill Time and Opportunity will give Leave for a further Expression of our Duties and Affections. The Acceptation of this Gift will glad the Hearts of your People, and your Approbation (by the Royal Assent to this Bill, being the largest for the Measure which was ever given) will join Wings to our Desires and Hopes; which shall never return without that Olive Leaf which may declare that the Waters are abated, and that your Sacred Majesty may have full Assurance of the Faith and Loyalty of your Subjects.

The King's Answer is, in the *Lord's Journals*; and, being somewhat different from that in *Rushworth*, we give it from the greater Authority.

The King's Answer.

I Do very willingly accept of your Offer made at this Time, as a Testimony of your Love and that dutiful Affection you owe me; and I no way doubt but that you will perform what you have intimated unto me, in perfecting the other Bills when you have Leisure.

Likewise, in passing this Bill, you cannot but see a great Testimony of the Trust and Confidence I have in your Affections; as, since this Parliament begun I have omitted no Occasion, whereby I may shew such Affection to my People, as I desire my People should shew to me; and not only so, but likewise in eschewing all Occasions of Dispute, in seeking to remove Jealousies; and for this particular Bill, you cannot but know that

I do freely and frankly give over that Right, which my Predecessors have esteemed their own, tho' I confess disputed, yet so as it was never yielded by any one of them: Therefore, you must understand this as a Mark of my Confidence in you, thus to put myself wholly upon the Love and Affections of my People for my Subsistence; and therefore, I hope, in the perfecting this you have begun, you will go on the more cheerfully.

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And as for those Rumours, which have bred Suspicions concerning the Army, tho' I have heard some loose Discourses touching it, which I never understood otherwise than as having Relation to the Scots Army, or preventing of Insurrections; yet they were so slight of themselves, that they vanished, by their own Lightness, within few Days after they were born. Wherefore, having shewed you my Clearness in this, I will leave you with this Assurance, That I never had other Design, but to win the Affections of my People by the Justice of my Government.

June 23. A Paper of Instructions, given by the Earl of Montrose, the Lord Napier, and the Lairds of Keir and Blackball, having been read in the House of Commons, that Body came to several Resolutions concerning the Security of Scotland. A Committee of seven were appointed to withdraw immediately into the Court of Wards, to prepare Heads for a Conference with the Lords about that, and other Business of the Nation.

June 24. The Heads for a Conference being read in the House by Mr. Pymme, and agreed to, a Message was sent up to the Lords by Sir John Hotbam, to desire one immediately. The Report of this Conference was made in the Upper House, that Day, by the Bishop of Lincoln, to this Purpose:

'Mr. Pymme told their Lordships, that he was commanded by the House of Commons to present unto them their continued Care and Endeavour for the Good of the Kingdom; that as their Affections were united with them to one great End, to serve

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1641.

God, the King, and the Common-Wealth, so their Counsels might jointly co-operate thereunto: That there was but one End, and one Foundation of all these Affections and Counsels, howbeit they spread themselves into many and several Branches; for they were all so united and weaved with the Duties which we owe to our God, our King, and our Common-Wealth, that we cannot duly and truly serve God, but thereby we serve our King; nor serve God and our King as we ought, without our Service to the Common-Wealth: But, as a Way to this common and general End, he was to make unto their Lordships several Propositions.

‘ Because they had lately found out very malignant and pestiferous Designs, set on foot, or plotted, to trouble the Peace of the Kingdom; the which, tho’ they were prevented, yet were still pursued; which was the Reason the House of Commons did present unto their Lordships these Propositions, in ten several Heads, which have their Branches and Subdivisions made under them (n).

Concerning DISBANDING of the ARMIES.

Ten Propositions
of the Commons
relating to the
State of the
Kingdom.

I. ‘ This in the first Front, because it was first to be done and make Way for all the rest; and this had four several Branches. 1st, The House of Commons desired the five Regiments to be disbanded, according to a former Order agreed upon by both Houses. 2^{dly}, The Commissioners for the Scots to be desir’d to withdraw some of their Troops from the Tese. 3^{dly}, That their Lordships would join with the House of Commons in an humble Motion to his Majesty, to declare the five Regiments to be disbanded, and the rest of the Army as soon as Money can be provided; and for the Punishment of those who shall refuse to disband, if any such there be. 4^{thly}, That the Lord General should be intreated forthwith to repair to the Army, on the 30th Instant, at the farthest; at which Time the Money would be there. And that

(n) From the *Lords Journals*: These Articles are very differently given in *Rushworth*.

that the Lord *Newport*, Master of the Ordnance, An. 17. Car. 1.
be also there, to take Care of that and all other 1641.
Things under his Charge.

II. ' That his Majesty would be pleased to allow a convenient Time, before his Journey into *Scotland*, that the Army might be first disbanded ; and that some of the important Affairs, now depending in Parliament, (some in both Houses, and others in the House of Commons) may be dispatched before his Majesty's Journey. This Proposition he backed with these four Reasons: 1st, The Safety of his Majesty's Person. 2^{dly}, The Removing of the Jealousy of his good Subjects. 3^{dly}, The cutting off the Hopes of those who are ill-affected, and have any Design of disturbing the Peace of the Kingdom, by Means of the Army. 4^{thly}, The great Advantage in his Majesty's own Affairs, and Contentment of his People, if, before his Going, the Royal Assent might pass to divers Bills, concerning the Reformation of the Church and State, (of which some are already sent up, others in Preparation) with the Bill intended for the further Grant of *Tonnage* and *Poundage*, and other Customs : And that some Time might be employed to regulate the King's Estate and Revenue ; to free them of unnecessary Burdens, and to employ them for the Good of the Commonwealth. All these, he said, required his Presence in Parliament.

*Concerning his MAJESTY'S COUNCIL and
MINISTERS of STATE.*

III. ' That his Majesty may be humbly petitioned to remove such evil Counsellors, against whom there may be any just Exceptions ; and for the committing of his own Business and the Affairs of the Kingdom to such Counsellors and Officers, as the Parliament may have Cause to confide in : Because all the ill Effects we feel are produced by these ill Counsellors, in all the three Fundamentals before spoken of. 1st, In Matter of Religion. 2^{dly}, In
B b 2 the

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the King's private Estate. 3dly, In the Good of the whole Kingdom: All these three, he said, were decayed; but those of another Kind and Allay had much prospered, of late, amongst us; as Matters of Monopolies, of Projects, and new Inventions.

Here he told your Lordships a Tale of a Gardiner, who being demanded, Why the Weeds grew so fast and the Flowers so thin in his Ground-Plot? Answered, The Weeds were the true Children, but the Flowers were but so many Slips and Bastards. So, said he, it is written, *That Kings shall be our nursing Fathers, and Queens our nursing Mothers*: But we have found here, of late, by Reason of evil Counsellors, no Nurses but Hirelings of the Publick State. These, therefore, are especially to be removed, for the reducing the Kingdom to a better Condition and Posture.

Howbeit, this Request is by the House of Commons recommended but in general, for this present, without pointing out or designing of Particulars, in Hopes the King will find them out of himself; otherwise it will cause the House of Commons to reduce this Petition to Names of Particulars.— Therefore they desired your Lordships to commend it to his Majesty, That he would put the Offices of the Kingdom and his own into such Hands, as his Majesty and the Parliament may confide in.

Concerning the QUEEN'S MAJESTY in several BRANCHES.

IV. That his Majesty would be graciously pleased, by Advice of his Parliament, to persuade the Queen to take some of the Nobility and others in Trust into her Service, in such Places as are now in her Disposall; because she has shewed herself ready to do any Thing for the common Good of the Kingdom. Of this Kind are, 1st, That no *Jesuit* be entertained in her Majesty's Service, nor any *Priest*, Native of his Majesty's Dominions. The Reason of this is, that the *Jesuits* are banish'd out of all other Courts of Catholic Princes; and it is against our Laws that native *Priests* should be here.

here. 2dly. That the College of *Capuchins*, at *An. 17. Car. 1.*
Denmark-House, may be dissolved, and the Persons 1641.
sent out of the Kingdom. The Reasons of which
are, 1. Their being here is a Scandal to Religion
and a Danger to our Peace. 2. Disaffection to the
State, manifested in a Letter, dated *May* the
6th, in which many Scandals are cast upon the
Parliament and the good Subjects, under the Name
of *Puritans*, or disaffected and injurious to the
Queen's Person; and thereupon the Cardinal exci-
ted to some Design against *England* (o). Next the
Letter of *Francis Philips*, wherein, by way of
Reproach on the Parliament, he writes, *That the*
Protestation, taken by both Houses, is like the Scots
Covenant, but somewhat worse. And that divers In-
formations had been given of great Quantities of
Gold transported by these Priests. The fourth
Branch concerning the Queen, was upon the spe-
cial Occasion of his Majesty's Absence, that your
Lordships would join with the House of Com-
mons to advise the King, That some of the No-
bility and others of Quality, with a competent
Guard, might be appointed to attend the Queen;
for the Security of her Royal Person against all
Designs of the *Papists*, and others ill-affected to the
Peace of the Kingdom. The Reasons given for
this Branch, were, 1. To secure her from *Papish*
Attempts. 2. By the Watchfulness of those wor-
thy Persons, *Priests* and *Jesuits* may be kept from
Court.—He protested, that therein he intended no-
thing of Disrespect: He said it was a blessed Thing
to be kept from Temptation; and, to be rid of
these Flies, would gain the Queen the Love of the
People in the King's Absence.

Concerning the PRINCE and the rest of the Royal Issue.

V. ' That some Person of public Trust, and well
affected to Religion, may, by Consent of Parlia-
ment, be placed about the Prince, and may take
Care of his Education, especially in Matters of Re-
ligion;

B b 3

(o) This Letter is in *Rushworth*, Vol. IV. p. 257, 8. and *Nal-*
son, Vol. II. p. 315, 16.

An. 17. Car. I. lligion; and that the like Care may be taken of the
 1641. rest of his Majesty's Children.

On PAPISTS coming to Court.

VI. ' 1st, It is humbly desired that your Lordships would join with them in a Petition, That his Majesty would be sparing in licensing *Papists* to come to Court. 2^{dly}, That if they do come, without Licence, they may be punished severely, and the Laws be put in Execution against them. 3^{dly}, That if any *English* Woman, that is a *Papist*, be about the Court, she may not reside there. 4^{thly}, That no Pension be given to any living beyond Seas, which is of dangerous Consequence. 5^{thly}, That *English* Ladies, *Papists*, be removed from Court; and the King moved for his Assent, that the Persons of the most active *Papists* be restrained, as shall be necessary for the Safety of the Kingdom, be they Lords or others.

Concerning the NUNCIO'S.

VII. ' That it may be declared, by an Act of Parliament, That if any Man shall presume to come to this Kingdom, with Instructions from the *Pope* or the Court of *Rome*, that he shall be in the Case of High Treason, and out of the Protection of the King and the Laws.

*Concerning the SECURITY and PEACE of the
 KINGDOM.*

VIII. ' 1st, That Men of Honour and Trust be placed Lord Lieutenants in every County; and that Direction be given to these Lieutenants, to be careful in the Choice of their Deputies. 2^{dly}, That the Train'd Bands be furnished with Arms, Powder, and Bullet; and that they be exercised and made ready for Service. Also that an Oath be prepared, to pass both Houses of Parliament, to be taken by the Lord Lieutenants, Deputy Lieutenants, and other Officers of Train'd Bands, to secure their Fidelity in these dangerous Times. 3^{dly}, That the Cinque Ports, and other Ports of the Kingdom may be put into good Hands; and a List of those
 who

who govern them now may be presented to Parliament, and those Persons altered upon Reason; and that special Care be taken for Reparation and Provision of the Forts. 4^{thly}, That the Lord Admiral (p) (that Noble Lord, in whose Honour the House of Commons stands secure) be desired to inform the Parliament in what Case the Navy is; that if there be any Defect, it may be provided for out of the Money which is to come upon the Bill of Tonnage and Poundage; and that if any suspected Person have any Command in any of his Majesty's Ships, he may be removed.

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IX. 'That his Majesty would be pleased to give Direction to his learned Counsel to draw a general Pardon, in such a large and beneficial Manner, as may be for the Security of his Subjects.

X. 'A select Committee of the Lords to join with a proportionable Number of the Commons, from Time to Time, to confer about these particular Courses, as shall be most effectual for reducing of these Propositions to effect the Public Good.'

June 25. A Committee of ten Lords were sent to the King, to desire that his Majesty would declare the Disbanding of the five Regiments, &c. according to the Tenor of the first of these Propositions; and this Day the King's Answer was reported back to the House, 'That his Majesty gave Way to their Lordships Desires, and to the Advice of both Houses of Parliament; but wished them to take such Care therein, that the Disbanding be both honourable and safe:' Adding, 'That the Pope'suncio should be presently sent out of the Kingdom.'

Orders, &c. relating to disbanding the English and Scots Armies.

The Answer which the Scots Commissioners made to the Request of both Houses, about causing their Army to retire from the River *Tees*, at the same Time the English Regiments were disbanding, was also reported to the Lords: 'That they would presently dispatch a Messenger to their General, and they are confident that he will do accordingly, when he understands it: Also that they agreed

' 10

(p) The Earl of Northumberland.

An. 17. Car. 1. 1641. ' to a Cessation of Arms for fourteen Days longer ;
 ' and, lastly, they desired that the Resolutions and
 ' Votes of the House of Commons, concerning an
 ' Act of Parliament of public Faith, relating to the
 ' Security of the Money due to them, call'd *Bro-*
 ' *therly Assistance*, which was 220,000*l.* might pass
 ' with the Consent of both Houses.'

The Earl of *Holland*, Lord General of the *Eng-
 lish* Army, reported to the House, That, not-
 withstanding the King had given his Consent for
 the disbanding the five Regiments, he was of Opi-
 nion the Army could not well be disarmed, without
 some Power to punish such as should mutiny, or
 refuse to be disbanded ; therefore desired the House
 to take this into Consideration.

On this a Mutiny-Act, to punish such as should
 be refractory, was agreed to be proposed to the
 Commons, which was only to serve the present
 Purpose, and die with it: But the Commons
 thought it better to desire the General to execute
 martial Law on such Persons; who answered,
 ' That he would go down immediately, and take
 ' all the Precautions possible; and tho' the Disband-
 ' ing Armies might be irksome to some who delight
 ' in Action, yet, for his Part, he had rather see
 ' those Armies turn their Backs one to another than
 ' their Faces, for the Quiet of the Kingdom.'

June 26. Notwithstanding these Precautions, the
 House of Commons seem'd to be uneasy about the
 Disbanding of these Forces; for this Day it was
resolved, upon the Question, ' That this House
 holds it fit the Lords be moved to desire his Majesty,
 that a Proclamation may presently go down, to de-
 clare, That those that should disobey the Lord Ge-
 neral, or their Officers, in disbanding the Army,
 shall be punished severely, as in Contempt of the
 King and Parliament.' Likewise it was *resolved*,
 ' That Command shall be given to the High Sher-
 riff of every County, the Lord Lieutenants, De-
 puty Lieutenants, and the Justices of Peace, to give
 Aid and Assistance to the safe Conduct of such Sol-
 diers

diers as shall pass through their several Counties, till they come to their own Homes.' Both these Articles were agreed to by the King, and Orders given accordingly.

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1641.

The same Day the Lords debated the ten Propositions sent from the Commons; and when they had proceeded to the *fourth* Article, concerning the Queen, it was ordered, 'That this Head and Branches should be laid aside, for the present, till the Articles made at the Marriage be seen.' The rest of them were all agreed to, except some few Branches, which were left to be treated of by the Committee; and seven Lords were appointed for that Purpose, according to the Tenor of the *tenth* Article.

The Lords, at the Request of the Commons, having sent a Deputation of their House to wait upon his Majesty, to acquaint him with the humble Desires of both Houses, that he would be pleased to defer his intended Journey into *Scotland*, for a Time, till the great Affairs of the Kingdom, now in Agitation in Parliament, be dispatched; the Earl of *Warwick* reported this Answer, 'That his Majesty had engaged himself, by Proclamation published in *Scotland*, to be there, in Parliament, at a certain Day; but he would this Day speak with the Commissioners of *Scotland*, and then would give further Answer to both Houses.'

The Parliament
desire the King
to defer his Journey
into *Scotland*.

June 28. This Day, being *Monday*, the Earl of *Bristol* acquainted the Lords, that the King had commanded him to let them know, 'That he had spoken with the *Scots* Commissioners, touching the deferring of his Journey into *Scotland* for a little Time; and that the Commissioners said, 'That when this Motion came to them from Parliament, so as it might appear that the Deferring came not from the King, but from the Desire of both Houses to accommodate the Affairs of this Kingdom, they will give such an Answer as shall be fitting.'

Here-

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Hereupon the Lords agreed to desire a Conference with the other House, to consider of what shall be propounded to the *Scots* Commissioners, that it may be given them in Writing, and they to be desired to return their Answer in the same Manner.

The Proceedings
against the Arch-
bishop of Canter-
bury revived.

The same Day a Message was sent up from the House of Commons, by Mr. *Pymme*, who was commanded to let their Lordships know, 'That formerly they brought up an Impeachment of High Treason against the Archbishop of *Canterbury*, which hath been asleep ever since; but now they intend to proceed and examine divers Witnesses concerning that Business; therefore he desired their Lordships to appoint a select Committee to examine such as the House of Commons shall produce; and that to be in the Presence of such of their own Members as the House shall appoint. In all Things else as in the Case of the Earl of *Strafford*.' All which were agreed to by the Lords.

June 29. The Affair of the King's Journey into *Scotland* came again before the Lords, when the Earl of *Bristol* reported to the House, 'That the *English* Commissioners had met with those for *Scotland*, and had delivered to them the Paper concerning the Time of the King's Journey, which was read in these Words:

Declaration of
the English to
the Scots Com-
missioners, in re-
lation to the
King's Journey.

'His Majesty hath commanded me to let you know, that whereas he hath been petitioned by both Houses of Parliament, for some Stay of his Journey into *Scotland*, untill the Armies are disbanded; and that divers other Things, for the Peace and Good of this Kingdom, be settled, And whereas his Majesty doth acknowledge himself engaged, by his Promise, by his Letters, and likewise by his Proclamation, declaring his Resolution to be present at the Holding of a Parliament in *Scotland*, at the Day limited by Proclamation; his Majesty, being desirous to give Satisfaction to the Parliaments of both Kingdoms, hath commanded us to declare unto you the Desire of the Parliament of *England*, and to treat
'with

‘ with you how his Going may be best fitted and
‘ accommodated to the Conveniency of both King-
‘ doms, and the Desire of both Parliaments.’

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The Answer of the *Scots* was as follows :

‘ We do, with all Thankfulness, acknowledge
‘ his Majesty’s royal and tender Care of settling the
‘ Affairs of his antient and native Kingdom of *Scot-*
‘ *land*; and the Constancy of his Resolution, ac-
‘ cording to his Royal Promise and Proclamation,
‘ to be present at the Day appointed.

The Scots Com-
missioners An-
swer.

‘ Our Affection also towards the settling of the
‘ Affairs of the Kingdom of *England*, and Desire of
‘ both Houses of Parliament, that his Majesty’s
‘ Journey to *Scotland* may be stayed for some Time,
‘ to that Effect, doth so far prevail with us, that
‘ we shall deal most earnestly with the Parliament
‘ of *Scotland*, that they may adjourn their Meeting
‘ till the 5th of *August* : Or, if they shall find that a
‘ new Adjournment of the Parliament, after so many
‘ Prorogations, be so prejudicial to the present Condi-
‘ tion of the Affairs of the Kingdom, that it cannot be
‘ granted, we will endeavour that they may, in their
‘ Meetings, be only exercised in preparing Matters
‘ for the Parliament ; and that they determine no-
‘ thing, nor make any Act, untill the Day designed for
‘ his Majesty’s Coming : But withall we must cer-
‘ tify, that the present Constitution of that King-
‘ dom, for want of Councils, Sessions, and other
‘ Courts of Justice, and many other Difficulties
‘ daily, through Delays, growing greater, is such
‘ that it cannot suffer any longer Delay : And there-
‘ fore we desire that the Houses of Parliament
‘ would be pleased so far to express their reciprocal
‘ Respect to our Affairs, that they will give present
‘ Assent to his Majesty’s Coming in his Royal Per-
‘ son, at the Day aforesaid ; without which we
‘ can have no Ground to deal with the Parliament
‘ to the Effect above written.

ADAM BLAIRE, *Sec.*

This Answer of the *Scots* being read, the Lords
resolved to have a Conference with the Commons
about

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Resolutions of
both Houses
thereupon.

about it; and a Message was dispatched to them for that Purpose: At which Conference the foregoing Papers were again read, and the Sense of the House of Lords upon them. But the Commons, being returned, *resolved*, upon the Question, 'To desire the Lords to join with them in petitioning his Majesty, That he would be pleased to stay his Journey into *Scotland* untill the 10th of *August*; and that, if then he shall please to take his Journey, this House shall submit unto it.' Which *Resolution* was agreed to by the Lords.

July 1. Both Houses now were busily employed about getting the several Bills, before them, ready for the Royal Assent: And many Conferences were held between them on the Alterations and Amendments in the *Star-Chamber Bill*, that for the *High Commission*, the Court at *York*, &c. the Bill against the Bishops seeming asleep all this Time. This Day, however, the Commons resumed their Charge against the Judges, and ordered the several Impeachments against them to be engrossed. They began again also to quicken their several Committees on the Breach of Privileges, which happened in the 3d of this Reign; on the Archbishop of *Canterbury's* Affair; on Ship-Money; on Mr. *Hampden's* Case, Mr. *Rolles's*, and some other aggrieved Persons, to consider of what Reparation was to be made to them for those injurious Proceedings against them.

The Return of some Amendments made to the *Star-Chamber Bill*, by the Lords, being read, and a Question arising, Whether this House should assent to the putting the Word *Liberties* out of the Bill? the House divided; when it was carried in the Affirmative, 125 against 91; on which it was *resolved*, upon the Question, 'That this House doth assent to the putting the Word *Liberties* out of the Bill, concerning the *Star-Chamber* and *Council-Board*, because the House hath appointed a Bill to be drawn, to provide for the Liberty of the Subject in a larger Manner.' And Serjeant *Wilde* and

Mr.

Mr. *Whitlocke* were appointed to draw up a Bill to An. 17. Car. 1. that Purpose. 1641.

July 2. The Bill for a *Poll-Tax* was sent up to the Lords, which, with the Amendments, being read, they were agreed to by that House: But a *Memorandum* was entered, as a *Salvo*, for preserving the Privileges of the Peers of this Realm. for rating and taxing themselves, in Subsidies, by Members of that House in Time of Parliament.

This Bill was delivered at a Conference, in which Sir *Symonds Deyes*, on the foregoing *Salvo*, spoke as follows:

My Lords,

I Shall humbly crave Liberty to shew you, that the House of Commons hath done no more, in rating and proportioning of these particular Sums upon your Lordships, than by the antient Rights and Privileges of Parliament they might; and, to speak the Truth, they could not possibly do less.

Sir Symonds Deyes's Speech in relation to rating the Peers towards a Poll-Tax.

It hath been several Times spoken in this Place, no less justly than nobly, by some of your Lordships, That all Matters of Supply should originally proceed from the House of Commons; for so hath been the Practice of former Times in Ages past.

In the Parliament Roll, Anno 9. Henry IV. Num. 21. when the Peers began, but in a small Circumstance, to trench upon the Privilege of the Commons, there arose a long and an earnest Debate upon it; the Issue of which produced a full Declaration agreed upon, by both Houses, That Matter of Supply must first proceed from the Grant of the Commons, and then be assented unto by the Lords: So that if we had sent up the present Bill, either with Blanks for your Lordships to have filled up, or have left you out wholly, to have inserted your own Degrees and Proportions, (one of which we must have done, if we had not proceeded as we did) it must of Necessity have followed, that your Lordships, contrary to the undoubted Privilege of

the

An. 17. Car. I. the same House, had originally granted Aid and
1641. Subsidy, and the Commons had but assented.

‘ Before that Time, tho’ not upon so great an Occasion, it was declared in Parliament, as appears in *Rot. Parl. Anno 5. Richard II. Num. 16.* That the House of Commons are first to treat of Matter of Supply, to resolve upon, and then to communicate their Resolutions to the Peers. Now, my Lords, our Resolutions are most properly couched in a Bill; so that we did transmit the present Grant of Aid and Supply to your Lordships, in the antient and due Form.

‘ But perhaps your Lordships will say, You question not that general Right we have of granting Subsidies, that it is to receive its Birth and Being from the House of Commons; but that, in this particular Case of *Poll-Money*, you expect a particular Satisfaction, and much more to see it proved, that the Peerage of *England* were ever before rated in such a Bill.

‘ For the *first*, my Lords: This Way is an antient and a known Way; it began in the Time of that wise and victorious Prince, King *Edw. III. (p)*, as appears upon Record in *Rot. Parl. Anno 51, Edward III. Num. 19.* And, I assure myself, near upon 300 Years Continuance is able to challenge both Allowance and Imitation from this present Age.

‘ During the Reign of *Richard II.* his Grand-child, this Course of raising Money by Poll was again put in Practice, as an advantageous and a speedy way. Your Lordships shall find one Example of it in the Parliament Roll, *Anno 4. Richard II. Num. 15.* being almost the same with that Rate and Proportion granted in the Time of *Edw. III. (q)*.

‘ But that Record which comes home to this Case, and is an identical Precedent in the very Particular before your Lordships, to give you full Satisfaction, is found in *Rotulo Parlamenti in Parlamento 2, Anno*

(p) A Poll-Tax of 4 d. on every Person above 14 Years of Age, except mere Beggars — See our first Volume, p. 326.

(q) This Poll-Tax occasioned a Rebellion. — *Ibid.* p. 362.

Anno 2. Richard II. Num. 14 (for the Miseries at home, and the Calamities abroad, caused, in one Year, sometimes two, sometimes three Parliaments, in those elder Times) where the Dukes, Earls, and Barons are all particularly rated (r); and the Duke of *Bretagne* is there assessed as a Duke, tho' he was a free Prince, and had only the Title of Earl of *Richmond* in *England*. Nay, my Lords, the House of Commons at this Time hath come far short of the same Precedent, in favour of the Noble Ladies; for whereas the Countesses Dowagers were, there, rated at the same Proportions with Earls, and the Widows of Barons at as high a Rate as Barons themselves; we have eased them of two Parts of that, and only charged them with the Third (s).

'I hope now your Lordships, having seen both Reason and Precedent for our Proceedings at this Time, will be pleased to believe that the House of Commons will be as careful and tender of your Lordships Rights and Privileges, as of their own.

'We know, my Lords, that this is the Way to preserve Peace and Unity between us; which, as it is always expedient, so is it at this Time most necessary: For the two Houses are as the two Arms of the Kingdom; if we hold fast together, we shall be able to accomplish great Things worthy to be transmitted to after Ages; but, if we disserve and disunite, we may end in Ruin and Calamity.'

A

(r) The several Sums levied, at this Time, upon all Sorts of People are particularly specified in our first Volume, p. 346.

(s) So much of the said Record, as concerns the Rating of the Nobility and Gentry, is here added, it being presented thus, ready written, at the said Conference.

Le Duc de Lancastre, & le Duc de Bretagne, chescun, x Markes.—Chescun Conte D'Engleterre, iiij l.—Chescun Countesses Veoves en Engleterre, a tant come les Countes, iiij l.—Chescun Baron & Baneret, ou Chevalier qui poet a tant dispendre, xl s.—Chescun Baronesse Veove paiera come Baron, & Baneresse come le Baneret, xl s.—Chescun Bachiler, & Chescun Esquier, qui, per le Statute, deveroit estre Chevalier, xx s.—Chescun Veove Dame, Feme de Bachiler, ou Esquier al afferent, xx s.—Chescun Esquier de meindre Estate, vj s. viij d.—Chescun Feme, Veove de tel Esquier, ou Merchant suffisant, vj s. viij d.—Chescun Esquier, nient Possession de Terres ne Chateaux, quest en Service, ou ad este Armes, iiij s. iiij d.

Rot. Parl. in Parlamento 2. Anno 2. Richard II. Num. 41.

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Petition to the
King against sel-
ling Titles of Ho-
nour.

A Message was sent by the Lords to the other House, to desire the Commons would join with them in a Petition to the King, 'That Titles of Honour may not be bought and sold for Money; but that they might be conferred, by his Majesty, on Virtue and Merit, as it antiently was.' Also the House of Commons were desired to join with the Lords in a Bill for preventing of this hereafter.

Acts passed for
raising a Poll-
Tax, and for ta-
king away the
Star-Chamber
and High Com-
mission Courts.

July 3. This Day the Commons sent up three Bills, by Mr. Capel, Knight of the Shire for *Hertfordshire* (e), which had passed their House, to the Lords, entitled, 1. *An Act for the speedy Provision of Money, for disbanding the Armies, and settling the Peace of the two Kingdoms of England and Scotland:* 2. *An Act for regulating the King's Council, and for taking away the Court commonly called the Star-Chamber:* 3. *An Act for the Repeal of a Branch of a Statute, 1. Eliz. concerning Commissioners in Causes Ecclesiastical.* And the House of Commons desired their Lordships, that the King might be moved, presently, by both Houses, to give his Royal Assent to the Bills aforesaid.

And this Day also was read a second Time, in the House of Lords, and committed, a Bill entitled, *An Act for the better regulating of Archbishops, Bishops, Archdeacons, Deans, Chapters, Canons, and Prebendaries; and the better ordering of their Revenues, and the better governing of Courts Ecclesiastical, with the Ministers thereof, and the Proceedings therein.*

The Lords, which attended the King with the Message above, brought Answer, 'That his Majesty would come and give the Royal Assent to the Bill concerning *Poll-Money* this Morning; in regard it relates to the Disbanding of the Armies, and the present Ease of the Kingdom: As for the other two Bills, in regard his Majesty hath not been made acquainted with the Particulars before now, he will consider of them and give an Answer in two or three Days Time.'

This

(e) Created Lord Capel of Hadham, August 6. 1641.—Ancestor of the present Earl of Essex.

This Answer being communicated to the Commons, they immediately dispatched one of their own Members to the Lords again, to acquaint them, 'That the House of Commons having taken into Consideration his Majesty's Answer to the Message, 'That he will only give his Royal Assent, this Day, 'to the Bill for *Poll-Money*,' they conceive that the passing the other two Bills, for taking away the *Star-Chamber*, and the *High Commission-Court*, will very much conduce to the speedy Payment of the *Poll-Money*: Therefore they desired that his Majesty might be moved, again, to give his Royal Assent to all the three Bills together, with convenient Speed.'

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This Message was likewise sent to the King by the same Committee of Lords as before; to which his Majesty said, 'That he would be at the House 'that Afternoon, and return an Answer himself.'

Accordingly, in the Afternoon of this Day, the King came to the House of Lords, when, the Commons being sent for, his Majesty made a short Speech to both Houses, not entered in either of the *Journals*; after which the Speaker, upon presenting the Poll-Bill, made the following Speech:

Most Excellent and Gracious Sovereign,

'THE Government of this Common-Wealth rests in the Rules of Order, and hath so much Affinity and Consent with the Rules of Nature, in the Government of the World; that the first Copy and Imitation of the one may seem to be taken from the Original and first Model of the other.

The Speaker's
Speech to the
King, upon pre-
senting the Poll-
Bill.

'This Contemplation casts our Eyes upon your sacred Majesty, as that Cœlestial Orb, which, never resting without the Office of perpetual Motion to cherish the lower Bodies, not enriching itself with any Treasures drawn from below, exhales in Vapours, from the inferior Elements, what, in due Season, it returns in Showers.

'The Application makes us consider ourselves those sublunary Creatures, which, having their Es-

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sence and Being from the Influence of those Beams (as the Flowers of the Field) open to receive the Glory of the Sun.

In this Relation both contribute to the Common Good; your sacred Majesty, as a nursing Father, designed to bestow on your People the Blessings of Peace and Unity; and we, as the Children of Obedience, returning our Duties and Affections in Aids and Tributes. And thus compacted in one Body by the Ligaments of Religion and Laws, we have been the Object of Admiration to the whole World.

Amidst the Distractions of foreign Nations, we only have sat under the Shadow of our Vines, and drank the Wines of our own Vintage.

But our crafty Adversaries (perceiving that the fervent Profession of our own Religion, and the firm Observation of our Laws, have been the Pillars of our Prosperity) by subtile Insinuations, do pretend a politic Necessity to admit of Moderation in our Religion, to comply with foreign Princes; and suggest it as a Principle in the Rules of Sovereignty, to require and take, not ask and have; that it must *postulare* by Power, not *petere* by Laws; and keep up these Miseries of War and Calamity between Nation and Nation, and put us in the Posture of Gaze to the whole World.

But when we behold your Sacred Majesty, descended from the Royal Loins of that glorious King, who, by his Wisdom and Policy, first ingrafted the White Rose and Red upon the same Stock; who sheathed the Sword that had pierced the Bowels of so much Nobility, glutted with the Blood of the People; and then laid the first Hopes of the happy Union between the Nations: When our Thoughts refresh themselves with the happy Memory of that religious King, your gracious Father, on whose sacred Temples both Diadems were placed, wreathed about with this Motto, *Faciam eos in Gentem unam*, we cannot but believe that God and Nature (by a lineal Succession from those Fathers of Peace) hath ordained

‘dained you that *Lapis Angularis*, upon which the An. 17. Car. I.
 ‘whole Frame settles; and put into the Hand of 1641.
 ‘your sacred Majesty the Possibility and Power to
 ‘confirm and establish this happy Union between
 ‘your Kingdoms; and so raise to your Memory a
 ‘Statue of Glory and Wisdom from Generation
 ‘to Generation.

‘In all this Length of Time, the Assurance of
 ‘this Union and Peace hath been the chief Object
 ‘of our Desires; our Purse have been as open as
 ‘our Hearts, both contributing to this great Work,
 ‘manifested by so many Subsidies already presented,
 ‘sufficient, in our first Hopes, for its full Perfection;

‘But, finding that fail, have again adventured
 ‘upon your People’s Property; and, in an old and
 ‘obsolete Way, new burnished by the Hand of
 ‘instant Necessity, expressed to the World the
 ‘Hearts of a loyal People; and, howsoever gilded
 ‘with a new Name of Tranquility and Peace to
 ‘your Kingdoms, that with more Ease the People
 ‘may digest the Bitterness of this Pill, yet still our
 ‘Hearts had the same Aim and Object.

‘A Gift suitable to a Necessity of so vast Ex-
 ‘tent, that Time cannot paralel it by an Example:
 ‘And by which, if your Sacred Majesty vouch-
 ‘safe your Royal Assent, which we humbly pray,
 ‘we shall not doubt you may soon accomplish those
 ‘happy Effects, that may present your Wisdom the
 ‘Object of Wonder, and your Policy to be ad-
 ‘mired amongst the Nations.’

The King, at this Time, gave the Royal Assent To which, only,
 to the Poll-Bill only: For the other two his Ma- his Majesty giv-
 jesty said, as before, ‘That he had not considered ing his Assent,
 ‘of them, being Bills of great Consequence; but the Commons are
 ‘he would inform himself concerning the Particu- offended.
 ‘lars, and return an Answer in a few Days.’

This Delay, we are told by *Rushworth* and *Nal-
 son*, gave great Disgust to the Commons; tho’ no-
 thing of that Kind appears in their *Journals*.—

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1641.

However, on Monday the 5th, the King came again to the House of Lords; and, being seated on the Throne, and the Commons present, his Majesty made the following Speech:

My Lords and Gentlemen,

The King's
Speech at giving
his Assent to the
Bills for taking
away the Star-
Chamber and
High Commis-
sion-Courts.

I Come to do the Office which I did on Saturday last, to give the Determination to these two Bills; but, before I do it, I must tell you, that I cannot but be very sensible of those Reports of Discontent, that I hear some have taken for not giving my Consent on Saturday. Methinks it seems strange that any one should think I could pass two Bills of that Importance as these were, without taking some fit Time to consider of them; for it is no less than to alter, in a great Measure, those Fundamental Laws, Ecclesiastical and Civil, which many of my Predecessors have established.

If you consider what I have done, this Parliament, Discontent will not sit in your Hearts. I hope you remember I have granted, That the Judges, hereafter, shall hold their Places, quam diu bene se gesserint. I have hounded the Forests, not according to my Right, but according to the late Customs. I have established the Property of the Subject, as witness the free giving up, not the taking away the Ship-Money. I have established, by Act of Parliament, the Property of the Subject in Tonnage and Poundage; which never was done in any of my Predecessors Times. I have granted a Law for a Triennial Parliament; and given Way to an Act for the securing of Monies advanced for the disbanding of the Armies. I have given free Course of Justice against Delinquents. I have put the Laws in Execution against Papists.

Nay, I have given Way to every thing that you have asked of me; and therefore, methinks, you should not wonder, if, in some Things, I begin to refuse: But, I hope it shall not hinder your Progress in your great Affairs, and I will not stick upon trivial Matters, to give you Content. I hope you are sensible of these beneficial Favours bestowed on you at this Time.

To

To conclude: You know, by your Consent, there is a *An. 17. Car. 1.*
1641. prefixed Time set for my going into Scotland; and
 there is an absolute Necessity for it. I do not know but
 that Things may so fall out that it may be shortened;
 therefore I hope you will hasten the dispatching of those
 great Businesses that now are necessary to be done,
 and leave trivial and superficial Matters to another
 Meeting.

For my Part, I shall omit nothing that may give
 you just Contentment, and study nothing more than
 your Happiness; and therefore I hope you shall see a
 very good Testimony of it, by passing these two Bills.

Le Roy le veult.

This being done, his Majesty said as followeth:

I have one Word more to speak unto you, and take
 now an Occasion to present unto both Houses, that
 thereby I hope all the World shall see that there is a
 good Understanding between me and my People.

It is concerning my Nephew, the Prince Elector Pa-
 latine, who having desired me and the King of Den-
 mark to give way to a Writing concerning the Dyet at
 Ratibon with the Emperor, I could not but send my
 Ambassador to assist him, though I am afraid I shall
 not have so good an Answer as I wish; which my Ne-
 phew foreseeing, hath desired me, for the better coun-
 tenancing of the same, to make a Manifesto in my
 Name, which is a Thing of great Consequence; and
 if I should do it alone, without the Advice of my
 Parliament, it would rather be a Scorn than other-
 wise: Therefore I do propose it unto you, that if you
 will advise me to it, I do think it were very fit to be
 published in my Name.

This Instrument ran in these Words:

CHARLES, by the Grace of God, King of
 Great Britain, &c. To all to whom this present
 Manifesto shall come, greeting. To the end that the
 Endeavours of our late dear Father, King James, of
 blessed Memory, and our own Proceedings, since his
 Death,

His Manifesto in
 Favour of the
 Elector Palatine.

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Death, in the Cause of our dear and only Sister, Brother-in-Law, and Nephews, Electors and Princes Palatine of the Rhine, may not be forgotten, or pretendedly unknown; wherein we have studied and laboured nothing more than the Peace of Christendom, and the avoiding the Effusion of innocent Blood, by seeking the Restitution and Re-establishment of the Electoral House Palatine, in their antient Rights, Dignities, and Possessions within the Empire; out of which they have been, by Violence and Force of Arms, and other undue Proceedings, expelled and banished, contrary to the antient Laws and Constitutions of the sacred Empire: We have thought fit, for the Vindication of our own Honour, to call to Mind, and to publish to all the World, both a summary Relation of our Actions and Endeavours past, and our present Resolutions in the same Cause.

It cannot be unknown to all the Princes and Estates of Europe, and more particularly to those who have had any Interest or Relation to the public Affairs of Germany, how both ourself and our Father, have, for these twenty Years past, by many and several Ambassages, Treaties, and other Negotiations, to our great Expence and Charges, both with the late Emperor Ferdinand, the King of Spain, and other Princes and Estates of the Empire, endeavoured, by all friendly and treatable Means, to procure the Restitution and Re-establishment of our said dear Sister, Brother-in-Law, and Nephews, in their antient Rights and Possessions, as the only and possible Way to settle a good and firm Peace in the Empire, and consequently with all Princes interested therein; without which it is impossible to expect or hope for a good, durable, and honest Pacification of those Troubles which have already almost rent, consumed, and involved all the Princes of Christendom in a most bloody and destructive War.

And for a clear Demonstration of our sincere Intentions, not only our own pious Inclination, and Care of the public Peace, hath induced us to omit divers Occasions, whereby we might, by such Power as God hath put into our Hands, have prevented the Violences and

Oppressions used to our said Sister and Nephews; but we have been led on, and invited thereunto, by divers Promises, Assurances, and several Letters, both from the late Emperor, the King of Spain, and other Usurpers of the Inheritances of the Electoral House Palatine, that they would at last, in Contemplation of our Mediation, hearken and incline to a just and honest Peace, by the Restitution of the Estates and Dignities of our dear Sister and Nephews; whereby we have been drawn not only to pass by our own and the Public Interest, and to forbear to engage our Arms in so just a Cause, but also have procured, by our Father's and our Authority, the withdrawing and disbanding of the Forces of Count Mansfelt out of the Palatinate; and advanced divers Truces and Cessations of Hostility or Defence, only to prepare the Way of amicable Composition, according to the Hopes and Promises to that End given us; and, particularly, have caused the Surrender and Deposition of some Places of Strength into the Hands of the late Infanta of Spain, upon reciprocal Assurances of a final Pacification or Restitution.

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But what Effects all these our peaceable and Christian Endeavours have produced, and how all our pious Negotiations have been either delayed or deluded; thereby and by Process of Time to root and establish the Usurpations of the House Palatine, and our Patience and Piety thereby abused, is so manifest by the continued Oppression of our said dear Sister and Nephews, that we are forced to protest, that there hath nothing succeeded, either to our Desires or Hopes, but a Resolution of Despair of ever obtaining, by the Ways of Justice, Treaty, or Amity, that which hath been so often promised to, and expected of, the Lovers of Christian Peace.

Notwithstanding we have lately received Advice from our dear Uncle, the King of Denmark, That, at last, by his Mediation and Procurement, the present Emperor and the Duke of Bavaria have condescended to a Treaty to be held, at the Dyet of Ratibon, upon the 6th Day of May last past, for the reviewing and the resettling of the Controversies of the House Palatine, as a Preparation and Inducement to a general Peace

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Peace and Amnesty through the whole Empire; and that he, with some of the Electors of the Empire, is accepted as a Mediator of the said Cause, and hath received strong and pregnant Assurances of a better Inclination and Disposition toward the Re-establishment of the Electoral Family, in their Rights and Dignities; and, to that End, hath procured convenient Safe-Conduct from the Emperor to our Nephew and his Brethren, freely to come in Person, or to send their Deputies to that Dyet, at the Time and Place appointed; with all other Clauses requisite for their safely going, abiding, or coming from thence, and there to plead the Justice of their own Cause; and that, in Prosecution thereof, he hath instructed and dispatched his Ambassadors to assist either in Person, or by the Deputies of our Nephews, at the said Treaty of Pacification; and hath desired us herein to comply with him, by sending our Ambassadors qualified and instructed to the same Purpose of procuring a good and settled Peace within the Empire, according to the Intimation of the Princes Electors, signified to him by their Letters, thereby desiring us to assist in the present Assembly at Ratisbon.

To which End, our Nephew, the Prince Elector Palatine having resolved, by our Counsel and Advice, to send his Deputies according to the Invitation and Hopes intimated of a good Issue to be expected by the amicable Way of Treaty and Compasure, we have also thought fit not to be wanting to so good a Design, so concurrent to our own and the Desires of so many Princes: And, in some Hope of better Fruit than hitherto all our Endeavours have produced, have resolved to make this our last Trial by the Way of Treaties, and to send our Ambassador to the Emperor and other Princes in the said Dyet assembled: And, to that Purpose, have given him full Power and Instructions to contribute all our Authority to the Procurement and Settlement of a good and blessed Peace, by the Re-establishment and Restitution of the Possessions and Dignities of our said dear Sister, Nephews, and Electoral Family; without which no Peace can be either honest or secure; Hereby exhorting and desiring

firing all other Kings, Princes, and States, our Friends, Allies, and Confederates, who shall either be present at the said Dyet, or shall have their Ambassadors or Deputies there, that they will be assisting to the Justice of so good a Cause, and to so great a Blessing, as the restoring of Peace to the almost desolate Estate of Germany.

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But because we may have just Cause to doubt, by many Experiences of our former Endeavours, that the Issue and Fruit of this Meeting may not be answerable to our just Expectation; but rather that it may produce contrary Effects, to the Prejudice of the Justice and Rights of our said Nephews and their Family, (which God forbid) we are hereby forced to protest against all Acts, Sentences, Conclusions, or Determinations whatsoever, which shall or may be had, made, or declared, either in Confirmation of the Oppressions and Usurpations past, or any Additions thereunto for the future, as invalid and of no Power or Effect.

In which Case, being contrary to our Desire and Expectation, we also further protest and declare, That we will not abandon either our own or the Public Interest, nor the Cause, Rights, and just Pretences of our dear Sister and Nephews, and other Princes and States involved within their Oppressions; but that we will use and employ all such Force and Power wherewith God hath enabled us, both by our own Arms, and the Help and Assistance of all our Allies and Friends, to vindicate our own Honour, the Public Peace, and Redress of the Injuries, Usurpations, and Oppressions of our said dearest Sister and Nephews, and their illustrious Family.

And hereby, as we do profess to use all our Endeavour and Power to promote a happy and desired Peace, for the Consolation of the distressed Empire, so we do appeal to Almighty God, the Inspector of the Hearts of all Princes, and to the World, the Spectator of all our just Actions, that we will be innocent, before God and the World, of all the Evils that may ensue, if these our last Hopes shall be delayed or abused.

This

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An. 17. Car. 1. This *Manifesto* being read, it was ordered that
1641. a Copy of it be sent to the Commons.

In Compliance with his Majesty's Speech, the House of Commons took the *Prince Elector's* Condition into Consideration: The *Manifesto* was read, and a Debate had upon it, at which Sir *Benjamin Rudyard* made the following Speech (b):

Mr. Speaker,

Sir B. Rudyard's
Speech in Sup-
port thereof.

THis great Affair of the *Palatinate* concerneth this Kingdom in Nature, in Honour, in Reason of State, in Religion.

' We all know how near in Blood the *Prince Elector* is to his Majesty.

' Many of us here know what solemn Protestation hath been made in this Place, for the Recovery of the *Palatinate*, by which we are bound in Honour to pursue it with our best Assistance (c).

' God hath so framed the Powers of Man, and so ordered the Course of Things in this World, as that, in all Actions, right Reason and true Religion may well hold, and go together.

' If we consider Religion according to Reason of State, we shall find that *Christendom* divides itself into two Sides; with the *Pope*, and against the *Pope*. His Majesty is the greatest King of the *Protestant* Religion, and therefore fittest to be the Head of that Party, which will add more Greatness to him than can be gotten any other Way.

' The Means to it are, *first*, To preserve Religion sound and entire within his own Kingdoms at home. *Next*, To unite the homogeneal Parts of it, Pieces of the same, together, by Alliances and Confederations abroad.

' The good Effects of this *German* Match was lost by the ill Counsels of those Times: It will be an Honour to us to repair it by better.

' The restoring of the *Prince Elector* to his Territory and Dignity, will restore Religion there; will strengthen it; may increase it further in *Germany*;

(b) From the original Edition, printed by Francis Constable, 1642.

(c) See Vol. VI. p. 36, et seq.

many; which Consideration is of a great and vast Consequence, proportionable to the Greatness and Vastness of that Country. It will likewise refresh and comfort the sorrowful Heart of that most Noble, Virtuous, and Magnanimously-suffering Queen of *Bohemia*, his Majesty's Sister, his Highness's Mother; who is ever to be highly and tenderly regarded by this House, by this Kingdom.

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'This is a fit Conjunction of Time to begin it in, whilst the King of *Spain* hath so much to do of his own, as he is not able to afford his usual Aids to the *Emperor*; which probably may induce the *Emperor* to abate of his former Resolutions.

'That which is now propounded is only a *Manifesto*, to express and declare our Zeal and Heartiness to the Cause, and thereby to give it Countenance and Reputation in the present Dyet at *Ratisbon*. Reputation in Matters of State doth many Times prevail as much as Substance.

'His Majesty's Father, of blessed Memory, and himself, have, for many Years, mediated and treated with the successive Emperors, by all fair and amicable ways. They have been deluded, they have been neglected. It behoves us, Mr. Speaker, to be *Englishly* sensible of the Injustice, of the Indignity.

'Wherefore my humble Motion is, That the House will be pleased, presently, to name a select Committee, to compose a *Declaration* suitable to the Importance of the Cause.'

But the further Consideration of this Matter was deferred till *Wednesday* the 7th, at Nine of the Clock.

The same Day, *July 5*, Mr. Treasurer [Sir *Henry Vane*] acquainted the House, that *Rosetti*, the *Pope's* Nuncio had left *England*.

A Message was also delivered from the King, by Sir *Benjamin Rudyard*, concerning the Queen-Mother, who was very desirous to depart the Kingdom; only Money was wanting to defray her Charges, which would amount to no less than 10,000 *l*. And it seems the Commons were no less desirous to have her

10,000 *l*. voted
for defraying the
Charge of the
Queen-Mother's
Return home,

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her gone, for they presently consented that there should be so much paid out of the Poll-Money for that Service. — But now to proceed with other Matters.

Sir *Thomas Widdrington* brought in 25 Articles against *Matthew Wren*, late Bishop of *Norwich*, now Bishop of *Ely*; which being read, and singly voted, were ordered to be engrossed. These Articles were as follows:

Articles of Im-
peachment a-
gainst Dr. Wren,
Bishop of Ely.

THE said *Matthew Wren*, being Popishly and superstitiously affected, did, at his first Coming to be Bishop of *Norwich*, in the Year, 1635, endeavour, by sundry Ways and Means, to suppress the powerful and painful Preaching of the Word of God; did introduce divers Orders and Injunctions, tending to Superstition and Idolatry; did disturb and disquiet the orderly and settled Estate of the Ministers and People, and Churches of that Diocese, to the great Prejudice of his Majesty; the great Grief and Disquiet, and Hazard of the Estates, Consciences and Lives of many of his Majesty's loyal Subjects there; to the manifest bringing in, and increasing of Prophaneness, Ignorance, and Disobedience in the common People, as by the Particulars ensuing may appear.

I. Whereas many Chancels of Churches, during all the Time of *Queen Elizabeth*, King *James*, and of his Majesty that now is, had laid and been continued even and flat, without any Steps ascending towards the East-End of the same; and are, by the Rubrick in the Book of Common-Prayer, ordered to continue as they were, and so ought to have continued: He, of his own Mind and Will, without any lawful Warrant or Authority, in the Year 1636, being then Bishop of *Norwich*, ordered and enjoined, That the same should be raised towards the East End, some two, some three, some four Steps, that so the Communion Table, there placed Altar-wise, might be the better seen of the People.

II.

II. ' He, in the same Year 1636, ordered, That
' the Communion Table (which is appointed by
' the said Rubrick, at the Time of the Celebration
' of the Holy Communion, to be placed in the
' Body of the Church or Chancel, where Divine
' Service is usually read, and where the People
' might best hear) should be set up close under the
' Wall, at the East-End of the Chancel, Altar-wise,
' and not to be removed from thence; whereby the
' Minister, who is by the Law to officiate at the
' North Side of the Table, must either stand and of-
' ficiate at the North-End of the Table, so standing
' Altar-wise, or else, after the Popish and Idola-
' trous Manner, stand and officiate at the West-
' Side of the Table, with his Back towards the
' People.

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III. ' He, in the same Year 1636, enjoined, That
' there should be a Rail set on the Top of the new
' raised Steps before the Communion Table, so set
' Altar-wise as aforesaid, which Rail should reach
' from the South-Side of the Chancel to the North-
' Side; within which the Minister only should en-
' ter as a Place too Holy for the People; and some
' of the People were punished for stepping into it.

IV. ' The more to advance blind Superstition,
' he, in the same Year 1636, ordered, That all the
' Pews in the Churches should be so altered, that
' the People might kneel with their Faces Eastward,
' towards the Communion Table, so set Altar-wise
' as aforesaid; and that there should be no Seats in
' the Chancel above, or on either Side, even up
' with the said Table.

V. ' He, in the same Year 1636, enjoined, That
' every Minister, after he had finished the Reading
' of some Part of the Morning-Prayer at the Desk,
' should go out from the same to the Holy Table,
' set Altar-wise, as to a more Holy Place; and
' there, when no Communion was to be admini-
' stred, read at the said Table a Part of the Com-
' munion Service, now commonly called, *The*
' *Second Service*; whereby the Consciences, both
' of the Minister and People, have been not only

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‘ very much offended and grieved; but also the
‘ Service itself was made very unprofitable to the
‘ People, who could not hear what was said or
‘ prayed in that Place.

VI. ‘ That both he in his own Person, his
‘ Chaplains, and others of the Clergy following
‘ his Example; did, ever after the Table was so set
‘ Altar-wise, use and perform such, so many, and
‘ so frequent Bowings and Adorations before and
‘ towards the said Table, as have been dange-
‘ rous Examples to draw others to the like Su-
‘ perstitious Gestures; and have given great Scandal
‘ and Offence to the sound, sincere, and well-affected
‘ Christians.

VII. ‘ He, in the said Year 1636, enjoined all
‘ the People to come up to the Rail to receive the
‘ Holy Communion, and there kneel, and do Re-
‘ verence before the Holy Table, placed Altar-wise;
‘ and gave Directions to the Ministers not to ad-
‘ minister the Communion to such People as should
‘ not so come up, and do such Reverence as afore-
‘ said; and that the Minister should, within the Rail,
‘ deliver the Bread to such People only as should so
‘ come up and kneel before the said Table as afore-
‘ said. This was to the Offence of the Consci-
‘ ences of many good People; who, for fear of
‘ Idolatry and Superstition, durst not come to kneel
‘ at the said Rail before the Table so placed Altar-
‘ wise; and many People not coming up thither,
‘ though presenting themselves upon their Knees in
‘ the Chancel, have not had the Communion de-
‘ livered unto them; and afterwards, for not recei-
‘ ving, have been excommunicated.

VIII. ‘ He did, in the said Year, 1636, enjoin
‘ and command, That there should be no Sermons
‘ on the Lord’s Days, in the Afternoon, or on the
‘ Week Days at all, without his Licence. And
‘ also enjoined, That there should be no Catechi-
‘ zing, but only such Questions and Answers as are
‘ contained in the Book of the Common Prayer;
‘ not allowing the Ministers to expound, or open,
‘ the same to the People; he and his Under-officers
‘ af-

‘ affirming in public Places, that such an Exposition
 ‘ might be as ill as a Sermon. And, the more to
 ‘ hearten and confirm the People in prophaning the
 ‘ Lord’s Day, he enjoined the Ministers to read
 ‘ publicly, in their Churches, a Book published
 ‘ *Touching Sports on the Lord’s Day*: For not read-
 ‘ ing whereof, some Ministers were, by the Com-
 ‘ mand and Directions of the said Bishop, suspend-
 ‘ ed, some deprived, and some otherwise troubled:
 ‘ By all which, Knowledge was suppress’d, and Igno-
 ‘ rance and Prophaneness introduced in that Diocese.

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IX. ‘ There having been formerly two Kinds of
 ‘ ringing of Bells, and calling People to the Church,
 ‘ in that Diocese, viz. one Kind when there were
 ‘ only Prayers to be read, and another Kind when
 ‘ there were both Prayers to be read and a Sermon
 ‘ preached; whereby the People did apply them-
 ‘ selves to the Service of God in those Places, where
 ‘ both Prayers and Preaching was to be: He, to
 ‘ hinder the People in their good Desires of serving
 ‘ of God and edifying their Souls, did, in the same
 ‘ Year 1636, command and enjoin, That there
 ‘ should be no Difference in ringing of Bells to
 ‘ Church, when there was a Sermon, and when
 ‘ there was none.

X. ‘ Whereas many godly Ministers, for the
 ‘ preventing of the great Sin in the People of
 ‘ unworthy receiving the Holy Communion of
 ‘ the Lord’s Supper, did use to preach two or three
 ‘ Days before every Communion, a Preparation
 ‘ Sermon, to prepare and instruct the People in the
 ‘ right and worthy receiving of the Communion:
 ‘ He, the said Bishop, did, in the said Year 1636,
 ‘ forbid Ministers to preach any such Preparation
 ‘ Sermon in that Diocese.

XI. ‘ Whereas all God’s Ordinances are sancti-
 ‘ fied and made fruitful by the Blessing of God upon
 ‘ them by Prayer: He, endeavouring to suppress the
 ‘ Power and Benefit of Prayer, in the Year 1636,
 ‘ enjoined, That no Minister should use any Prayer
 ‘ before his Sermon; but move the People to pray
 ‘ only

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no Domini 1603, (which Canon was not warrant-
 ed by the Law,) that no Prayer should be used
 before or after the Sermon: And he, in his own
 Person, having been at the Sermon in the Town
 of *Ipswich*, when the Preacher did use or make any
 other Prayer, did sit upon his Seat, without using,
 or giving any Reverence by kneeling, or other-
 wise, thereby to discountenance such Prayer. And
 he, in the said Year 1636, commanded and en-
 join'd, That no Prayer should be made in the Pul-
 pit for the Sick; and that such as were prayed
 for in the Reading Desk, should be prayed for
 only in the two Collects prescribed for the Vi-
 sitation of the Sick in private Houses.

XII. He, the more to alienate the People's
 Hearts from hearing of Sermons, in the said Year
 1636, commanded and enjoined all Ministers to
 preach constantly in their Hood and Surplice; a
 Thing not used before in that Diocese, and much
 offensive to the People, as a scandalous Innova-
 tion. And the Parishioners of *Knatshall* want-
 ing a Surplice, he did, by his Officers, in the Year
 1637, enjoin the Church-Wardens there, That no
 Prayers should be read in that Church till they had
 got a Surplice; which they not getting for the
 Space of two Lord's Days after, had no Prayers
 there during that Time.

XIII. That during the Time of his being Bi-
 shop of *Norwich*, which was about two Years and
 four Months, there were, (for not reading the se-
 cond Service at the Communion-Table set Altar-
 wise; for not reading the Book of Sports; for using
 couceived Prayers before and after Sermon; and
 for not observing some other illegal Innovations of
 him and his Under-Officers) by and upon his Di-
 rections and Injunctions, sundry godly and painful
 preaching Ministers, to the Number of fifty, ex-
 communicated, suspended or depriv'd, and other-
 wise censur'd and silenced, to the Undoing of ma-
 ny of them, their Wives and Children; and they
 could

could not be absolved, without giving Promise to conform to his Directions, *editis & edendis*; by Means whereof some Ministers were enforced to depart this Realm into *Holland*, and other Parts beyond Sea; others, of *Norwich*, to remove into other more peaceable Dioceses; and some of them so prosecuted, as hath been suspected to be the Cause of their Deaths; the Terror of which Proceedings hath caused other Ministers to leave their Cures and go away; and if a Stranger preached at the Cure of such Person suspended, the Church-Wardens permitting such Person to preach were enjoined Penance, and otherwise troubled.

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XIV. That, during the Time he was Bishop of the said See of *Norwich*, he did unlawfully compel the Inhabitants of the several Parishes within that Diocese, to raise the Floors of the Chancels of their respective Churches; to rail in their Communion-Tables; to remove the Pews and Seats, and to make other Alterations in their respective Churches; in the doing whereof the said Inhabitants were put to great, excessive, and unnecessary Charges and Expences, amounting, in the whole, to the Sum of 5000 l. and upwards; which said Charges and Expences he did, by unlawful Means and Courses, enforce the said Inhabitants to undergo: And such of the said Inhabitants as did not obey the same, he did vex, trouble, and molest by Presentments, Citations, Excommunications, tedious and frequent Journeys, and by Attendances at the Courts of his Chancellor, and other his Officials.

XV. That, for not coming up to the Rail to receive the Holy Communion, kneeling there before the Table Altar-wise, for not standing up at the Gospel, and for not observing and performing of his unlawful Innovations and Injunctions, many other of his Majesty's Subjects have been, by him, his Chancellors, Visitors, Commissaries, and Officials, by his Commands and Injunctions, much molested, disquieted, and vexed in their Estates and Consciences, by Citations to the

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Courts, long Attendance there, Dismission, Fees, Excommunications, Penances, and other Censures.

XVI. That, by reason of the rigorous Prosecutions and Dealings in the last preceding Articles mentioned, and by reason of the continual superstitious Bowing to and before the Table, set Altar-wise; suspending, silencing, and driving away the painful preaching Ministers; the suppressing and forbidding of Sermons and Prayer; the putting down of Lectures; the suppressing Means of Knowledge and Salvation, and introducing Ignorance, Superstition and Prophaneness, many of his Majesty's Subjects, to the Number of 3000, many of which used Trades of spinning, weaving, knitting, and making of Cloth, Stuff, Stockings, and other Manufactures of Wool; some of them setting 100 poor People on work, have removed themselves, Families, and Estates, into *Holland*, and other Parts beyond the Seas, and there set up and taught the Natives there the said Manufactures; to the great Hinderance of Trade in this Kingdom, and to the impoverishing and bringing to extreme Want very many, who were, by those Parties, formerly set on work, to the great Prejudice of his Majesty and his People.

XVII. That he, the said Bishop, finding the People distaste his Innovations, hath often, in public and private Speeches, declared, in the said Year 1636, That what he did in the same was by his Majesty's Command; whereby he, contrary to the Duty of his Place which he held under his Majesty, being Dean of his Majesty's Chapel Royal, and contrary to the Duty of a good and faithful Subject, endeavoured to free himself from Blame, and to raise an ill Opinion of his Royal Majesty in the Hearts of his loving Subjects.

XVIII. That he, the said *Matthew Wren*, being Bishop of *Norwich* in the said Year 1636, in the *Tower-Church* in *Ipswich*, and other Places, did, in his own Person, use superstitious and idolatrous Actions and Gestures in the Administration of the
Lord's

Lord's Supper; consecrating the Bread and Wine, An. 17. Car. 1.
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standing at the West-Side of the Table, with his
Face to the East; and, his Back towards the
People, elevating the Bread and Wine so high, as
to be seen over his Shoulders, bowing low, either
to or before them, when he, after the Elevation
and Consecration, had set them down on the
Table.

XIX. That he, the more to manifest his *Popish*
Affection, in the said Year 1636, caused a Cruci-
fix, that is to say, the Figure of Christ upon the
Cross, to be engraven upon his Episcopal Seal,
besides the Arms of the See.

XX. That he hath chosen and employed such
Men to be his Commissioners, Rural Deans, and to
be his Household Chaplains, whom he knew stood
affected to his innovating Courses and *Popish* Su-
perstition, and to be erroneous and unsound in
Judgment and Practice.

XXI. That he hath very much oppressed di-
vers Patrons of Churches, by admitting, without
any Colour of Title, his own Chaplains, and
others whom he affected, into Livings which be-
came void within his Diocese; unjustly enforcing
the true and right Patrons to long and chargeable
Suits to evict such Incumbents, and to recover
their own Right; some of which he did against
his priestly Word, given to the said Patrons, or
their Friends, in *Verbo Sacerdotis*, not to do the
same.

XXII. That he, and others, in the Year 1635,
sold or granted away the Profits of his primary
Visitation for 500*l.* over and above the Charges
of the Visitation; and, for the better Benefit of
the Farmer, set forth a Book, in the Year 1636,
intituled, *Articles to be inquired of within the Dio-
cese of Norwich, in the first Visitation of Matthew
Lord Bishop of Norwich*, consisting of 139 Ar-
ticles, and wherein are contained the Number of
897 Questions; according to all which the
Church-Wardens were enforced to present, upon
Pain of Perjury: And some Church-Wardens and

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others not making Presentments accordingly, were cited, molested, and troubled, and enjoined Penance; notwithstanding many of the said Articles were ridiculous and impossible.

XXIII. That the Church-Wardens and other Men sworn at the Visitation, were enforced to have their Presentments written by Clerks specially appointed by such as bought the said Visitation; to whom they paid excessive Sums of Money for the same, some two-and-twenty Shillings, some more, some less, for writing one Presentment, to the grievous Oppression of his Majesty's poor Subjects in that Diocese.

XXIV. Whereas, by the Laws of this Realm, no Tythes ought to be paid out of the Rents of Houses, nor is there any Custom or Usage in the City of *Norwich* for such Payment; yet the said Bishop endeavoured to draw the Citizens, and other Inhabitants within the said City, against their Wills and Consents, to pay two Shillings in the Pound, in lieu of the Tythes of Houses within the several Parishes of the said City, unto the Ministers there of the said respective Parishes. And, the better to effect this his unjust Resolution, he did, by false and undue Suggestions, in the 14th Year of his Majesty's Reign that now is, procure his Majesty to declare, under his Great Seal of *England*, his Royal Pleasure, That if any Person, within the said City, shall refuse to pay according to the said Rate of two Shillings in the Pound, unto the Minister of any Parish within the said City, that the same be heard in the Court of Chancery, or in the Consistory of the Bishop of *Norwich*: And that, in such Case, no Prohibitions against the Bishops of *Norwich*, their Chancellors, or Commissaries in the said Courts of Consistory be granted: And if any such Writ be at any Time obtained, the Judges so granting the same, upon Sight of his Highness's said Order, shall forthwith grant a Consultation to the Minister desiring the same, with his reasonable Costs and Charges; which said Order and Decree, under

der the Great Seal of *England*, tending to the Violation of the Oaths of the Judges, was devised, contrived, and made by the said Bishop: And afterwards, by his evil Counsels and false Surmises, he did obtain his Majesty's Royal Consent thereunto; and by colour of the Order aforesaid, and other the Doings of the said Bishop, the Citizens and Inhabitants of *Norwich* aforesaid have been enforced to pay the said two Shillings in the Pound, in lieu of Tythes, or else, by Suits and other undue Means, be much molested, and put to great Expences, contrary to Law and Justice.

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1641.

XXV. That he assumed to himself an arbitrary Power, to compel the respective Parishioners in the said Diocese, to pay great and excessive Wages to Parish-Clerks; commanding his Officers, That if any Parishioner did refuse to pay such Wages, they should certify him their Names, and he would set them into the High Commission-Court for Example to the rest; and that one or two, out of *Ipswich*, might be taken for that Purpose.

And the said Commons, by Protestation, saving to themselves the Liberty of exhibiting, at any Time hereafter, any other Accusation or Impeachment against the said *Matthew Wren*, late Bishop of *Norwich*, and now Bishop of *Ely*; and also of replying to the Answer that he the said *Matthew Wren* shall make unto the said Articles, or any of them, or of offering Proof of the Premises, or any other Impeachments or Accusations that shall be exhibited by them as the Case shall, according to the Course of Parliaments, require; do pray that he, the said *Matthew Wren*, may be called to answer the said several Crimes and Misdemeanors, and receive such condign Punishment as the same shall deserve; and that such further Proceedings may be, upon every of them, had against him, as is agreeable to Law and Justice.

After reading these Articles, the Commons resolved, That *Matthew Wren*, Bishop of *Ely*, is, in their Opinion, unfit and unworthy to hold or continue any

Resolutions against him.

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Ab. 27. Car. I. Spiritual Promotion or Office in the Church or Common-Wealth; and that the Lords be desired to join with this House, to move his Majesty to remove the said Bishop from his Person and Service.

1641.

Upon this Sir *Philip Parker*, Knight of the Shire for *Suffolk*, took Occasion to speak as follows (d):

Mr. Speaker,

Sir Philip Parker's Speech, on that Occasion.

I Stand not up in my own particular Behalf, but in the universal and general Name of the whole Kingdom. Alas! Mr. Speaker, they depend all upon our exemplary Justice; which, if we do fully execute, will not only give great and plenary Satisfaction to our Nation, but will likewise cause the Land to smile hereafter with the blessed Beams of prosperous Felicity: But if the least Error or smallest Deliberation be overseen by us, (Oh! it strikes my trembling Mind with Horror to think on it) how will all Things precipitate themselves into Ruin most irrevocable? But I speak not this, as if any here would omit, or extenuate, the Supremacy of Justice in the least Thought. To admonish you of that Point, were to bid the Moon keep her monthly Course, the Spheres to reduce themselves in their Circumference, or the Sun to shine upon the Earth. But I speak this only to add a Spur unto you, lest we should at any Time languish in our Heaven-proceeding Journey. The Cries of the People have come up to me: The Voice of the whole Nation tingles in my Ears; and, methinks, I hear each Subject wish, that we would briefly establish the Church-Government with all Expedition. Let us first begin to confirm our Religion, and God will bless our other Proceedings the better. That was always my Opinion, and; I am sure, the Expectation of the whole Kingdom. How long have we sat here, and how little have we effected? How much Time have we consumed,

(d) From the original Edition, printed by *G. Mabb*, in 1641.— In *Nelson* he is called Sir *William Parkins*, which is a Mistake; for there is no such Name in the List of this Parliament. This Speech is omitted in *Russworth*.

sumed, and what little have we perform'd therein? An. 17. Car. I.
1641.
How long have we laboured in this our daily Travel, and as yet have brought forth but an Embryo in what we did intend? 'Tis true, I confess, we have tormented ourselves with daily Troubles and Vexations, and have been very solicitous for the Welfare of the Common-Wealth; but what have we performed, what have we perfected? I will once more relate what my former Opinion was: Let us I say, begin in the real Establishment of our Religion; and, as I said, all our other Determinations will succeed with a better Omen; for indeed most of our Delinquents are link'd to this Chain, they depend most on this Point; therefore we should do well to enter speedily upon the Work.

Mr. Speaker, excuse my Zeal in this Case; for my Mouth cannot imprison what my Mind intends to let out, neither can my Tongue conceal that which my Heart desires to promulge. Behold the Archbishop, that great Incendiary of this Kingdom, lies now like a Fire-brand raked up in the Embers; but if ever he chance to blaze again, I am afraid that what heretofore he had but in a Spark, he will burn down to the Ground in a full Flame.

Wherefore, Mr. Speaker, let us begin, for the Kingdom is pregnant with Expectation in this Point. I confess there are many more Delinquents, for the Judges and other Knights walk in *querpo*; but they are only Thunderbolts forged in *Canterbury's* Fire. I look upon them all but as polluted Rivers flowing from that corrupt Fountain. Well, is it so then, that all depend on Religion? Why are we then so backward in reforming the Church? Why do we stick in this Point, and not rather proceed in it with all Expedition? For indeed, according to the Laws of this Kingdom, as it hath the Dignity of Pre-eminence, so let us give it the Priority in our Determinations.

Mr. Speaker, think with yourself, I pray, in what Faction the Church is now; in what Schism; in what Confusion of distracted Sectaries it is promiscuously shaken: Behold the *Papists* will have their Way,

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An. 17. Car. 1. 1641. Way, the *Brownists* will have their Way, the *Anabaptists* their Way, the *Puritans*, as some call them, their Way, the *Jesuitical Priests* their Way; and, in these various Ways, they make such a Labyrinth of Religion, that few or none scarce can find out the right Way. It behoves us therefore, and is expedient, that we should add a Period to these irregular Ways, that the Vulgar may no longer wander in these distracted Paths.

‘Mr. Speaker, I have now unloaded my Mind of her weary Burthen; and I beseech you digest my Words, with your serious Consideration, in this respect of establishing the Church Government, in true, sincere, perfect, and unpolled Religion; which if we do perform, and fully effect, we shall do great Honour to God, get Credit to ourselves, and give great Satisfaction to the whole Kingdom.

‘This is my Opinion; this is my Expectation; this is my Prayer; and, lastly, this is my Hope.’

Order for taking away scandalous Pictures, &c.

About this Time the House of Commons made an Order to take away all scandalous Pictures, Crosses, and Figures, within Churches or without; and Sir *Robert Harley*, Knight of the Shire for *Herefordshire*, was made the Executioner of this Order. *Whitlocke* adds, ‘That this zealous Knight, as he terms him, took down the Crosses in *Cheapside*, *Charing-Cross*, and other the like Monuments, very impartially.

Impeachments against Six of the Judges.

July 6. A Conference was held between both Houses, when the Commons delivered in six several Charges against Sir *Jahn Brampton*, Lord Chief Justice of the *King's Bench*; Sir *Robert Berkeley*, one of the Justices of that Court; Sir *Francis Crawley*, one of the Judges of the Court of *Common Pleas*; Sir *Humphry Davenport*, Lord Chief Baron of the *Exchequer*; Sir *Richard Weston*, and Sir *Thomas Trevor*, Barons of the said Court; in relation to their Behaviour in the famous Affair of *Ship-Money*. Mr. *Pierepoint*, Mr. *Waller*, Mr. *Crew*, Mr. *Hyde*, Lord *Falkland*, Mr. *Newport*, and Mr. *Gerard*

ward were appointed to carry up the respective Charges of Impeachment to the Lords, and to desire that the Judges might be put to their Answers. All that is entered in the *Lords Journals*, besides mentioning their Names, is an Abstract of Mr. *Holles's* concluding Speech, after the separate Impeachments had been spoken to by the other Managers. The Purport of which was, after some Remarks on the Misconduct of the before-mentioned Judges, a Recommendation of Sir *Randolph Crew* to his Majesty's Favour; who, by chusing rather to lose his Office of Chief Justice of *England*, than subscribe to the *Loan*, *imo Caroli*, had distinguished himself as much an Assertor of the Laws, as the others, in the Case of *Ship-Money*, had appear'd the open Violators of them (e). But of the Articles of Impeachment against these Judges we take no farther Notice, since they are recited at large, not only in *Rushworth* and *Nalson*, but also in the *State Trials*, and most of the Historians of these Times (f).

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This Day the House of Commons fell upon the Matter of their Privileges, in the Case of Mr. *Holles* and others, *4to Caroli*, and, after Debate, came to the following Resolutions.

1. ' That the Warrants of the Lords, and others of the Privy Council, compelling Mr. *Holles* and others to appear before them during that Parliament: That the committing of Mr. *Holles* and others, by the Lords and others of the Privy Council, *4to Caroli*, during that Parliament: That the Searching and Sealing of the Chambers, Studies, and Papers of Mr. *Holles*, Mr. *Selden*, and Sir *John Elliot*, being Members of Parliament, and issuing out Warrants for that Purpose: And that the exhibiting an Information, in the Court of *Star-Chamber*, against Mr. *Holles* and others, for Mat-
ters

Resolutions as to
Breaches of Pri-
vilege, Anno 4^{to}
Caroli.

(e) Mr. *Holles* observ'd, That Sir *Randolph Crew*, by not complying with the Measures of the Court, had suffered a Loss of 26,000*l.* the Profits of his Office, from the Time of his Removal, amounting to that Sum.

(f) *Rushworth*, Vol. IV. p. 318 to 346. *Nalson*, Vol. II. p. 332 to 367. *State Trials*, Vol. I. p. 699, &c.

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An. 17. Car. 1. ters done by them in Parliament, being Members of Parliament, are Breaches of Privilege.
1641.

2. ' That Sir Robert Heath, Sir Humphry Denham, Sir Henrice Finch, Mr. Hudson, and Sir Robert Berkeley, that subscribed the said Informations, are guilty of a Breach of Privilege.

3. ' That there was a Delay of Justice towards Mr. Holles and others, upon the *Habeas Corpora*, in that they were not bailed in *Easter* and *Trinity Term*, 5th *Caroli*.

4. ' That Sir Nicholas Hyde, then Lord Chief Justice of the Court of King's Bench; and Sir William Jones, one of the Justices of the said Court, were guilty of this Delay: But that Sir James Whitlocke was not guilty thereof (i).

July 7. The House entered upon the Debate concerning the King's *Manifesto* about the Affair of the *Palatinate*; and being resolved into a Committee of the whole House, and Mr. Whitlocke in the Chair, Sir Benjamin Rudyard made the following Speech (k):

Mr. Whitlocke,

Sir Benjamin Rudyard's Speech in favour of the Elector Palatine.

' IF we may do the *Prince Elector* Good, by our good Word, I hope we shall not stick to afford it him. A Word spoken in due Season is worth more than Gold and Silver at another Time.

' His Majesty's Ambassador is now at the Dyet at *Ratisbon* (l) where the *Emperor* and other Princes are, by friendly Treaties, endeavouring to make up the Breaches of *Germany*. If this Opportunity be omitted, his Highness's Affairs will be exceedingly cast behind-hand.

' It is true, That our Treaties heretofore have not been prosperous; the Reason hath been, because of the then unhappy Difference between the King and his People, which brought a Disvalue upon this King-

(i) See an Account of this Distinction as to the Judges, in *Whitlocke's Memorials*, p. 37. and the Proceedings thereupon in our Eighth Volume, p. 354, *et seq.*

(k) From the original Edition, printed by Francis Constable, 1641.

(l) Sir Thomas Roe, Member for the University of Oxford.

Kingdom abroad. But now, when the World shall take Notice of the good Understanding between his Majesty and his Subjects, by an earnest and solemn joining of the whole Parliament with his Majesty's Declaration; the Propositions, coming from hence, will carry with them more Weight, more Authority; which is the Way to redeem our Engagements at an easy Rate, to save those great Charges which some do so much fear.

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' If we should be backward in this great Work, we shall cancel the Obligations of Nature, of Honour, of Reason, of State, of Religion; all which bind us to it.

' Wherefore, Mr. *Whitlocke*, my humble Motion is, That we may draw up a short round *Manifesto* to wait upon and affirm the *King's Declaration*, to be still managed by Advice of Parliament: This will be safe for ourselves, more powerful and effectual for the *Prince Elector*.

Sir *Symonds Dewes*, Member for *Sudbury*, made a Speech upon this Subject as follows; which, as it is a noble Abstract of the Affairs of *Europe*, for the last twenty Years, deserves particular Notice (*m*).

Mr. *Whitlocke*,

' WE have, during this Parliament, fallen upon the Debate of the greatest and most important Affairs, concerning our own Good and Welfare at home, that ever were agitated and discussed, at one Meeting, in the House of Commons. And we are at this present, by the gracious Invitation of his Royal Majesty, expressed in his most just *Manifesto* read unto us, resolved to take into Consideration the most sublime and most difficult Business of the *Christian World* abroad; which hath, for the Space of above twenty Years last past, drawn all the Kingdoms and States of *Europe* into an immediate or mediate Engagement; in which there have been twenty pitch'd Battles fought, a Million of Men, Women, and Children destroyed by the Sword, by the Flames, by Famine, and by Pest.

Sir *Symonds Dewes* on the same Subject.

(*m*) From the original Edition, printed by *W. Cooke*, 1641.

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Pestilence; and that, sometimes, populous and fertile Empire of *Germany* reduced to a most extream and calamitous Desolation. I have, in those few spare Hours I could borrow Yesterday from the public Service of the House, recollected some few Particulars, which may conduce to the clearing of this great Cause; being drawn out of the Autographs themselves, or out of our Records at home, or out of the Writings of our very Adversaries, and others abroad. I shall, therefore, begin at the Original itself of the never-enough to be lamented Loss of the Prince *Palatine's* Dominions and Electoral Dignity; that so we may take along with us, in our intended Disputes, not only our Affections, but our Consciences. It is therefore very manifest to all, that are but meanly versed in the Cabinet Affairs of *Christendom*, that the *Jesuits* have consulted, for many Years last past, as well before as since the furious Wars of *Germany*, by what Means to ruin the Evangelical Princes and Party there. Their chief Aim hath been, so to divide the *Protestant* Princes amongst themselves, as they might be made use of against each other, for each other's Ruin.

‘The first Occasion that offered itself within our Memories, was the Pretences of several Competitors to the Dukedoms of *Cleves* and *Juliers*; and they failed, but a very little, to have executed their intended Design upon that Occasion: But their Hopes failing in it, they apply themselves integrally to *Ferdinand* of *Austria*, Duke of *Gratz*; a Prince, not long since, so poor, and of so mean a Consideration to add the Weight of but one Grain to the down ballancing of the Affairs of *Christendom*, as his Name was scarce heard of. They find him a fit Subject for them to work upon, having, from his Cradle, been bred up in an extreme Hatred of the *Protestant* Party, who professed the Truth. They resound nothing into the Ears of the old Emperor *Matthias*, but his Cousin *Ferdinand's* high Merits; so that he, passing by his own natural Brothers, and the Head of his House the *Spanish* King, adopts *Ferdinand* of *Gratz* for his Son; so to prepare a
Way

Way to make him the Successor of his Sceptre, An. 17. Car. I.
Crown, and Purple. 1641.

‘ Then were the sacred Dyets of the Empire, the antient Means to reconcile Differences and prevent Jealousies, as often dissolv’d abortively as call’d insincerely. Rumours were spread of Practices and Designs against the *Protestant* Princes and Cities: And that those Rumours might not vanish in Smoke, the Liberties of the great and antient City of *Strasburg* were oppress’d. The *Protestant* Princes, seeing Materials and Engines on every Side prepared for their Ruin, were necessitated to meet at *Heidelberg*, and there to conclude an Union amongst themselves.

‘ This gave the *Jesuits* an assured Hope of making *Germany* speedily miserable by a calamitous War; for not only the Pontifician Princes took the Opportunity to settle a Catholic League, as they call’d it, amongst themselves; but also the Elector of *Saxony*, like a true *Pseudo-Lutheran*, neither *Protestant* nor *Papist*, shews as good an Affection to the Catholic League as the Evangelic Union.

‘ The old Emperor *Matthias* begins now to act his Part, and the *Jesuits* spur on their ready Scholar, *Ferdinand* of *Gratz*, to ascend the bloody Theatre they had so long design’d him. Thro’ the old Emperor’s Intercession, abusing the *Bohemian Protestants* Credulity, with sugar’d Flatteries and large Promises, he is admitted to the Crown of that rich Kingdom; which soon after made way for him unto the Crown of *Hungary* also.

‘ The *Jesuits* and the *Spaniards* did, now, only want a fair Occasion to begin a War in *Germany*. The Emperor *Matthias* labours with the *Protestant* Princes to dissolve their Union; which not taking Effect, the Bishop of *Spiers* is encouraged, underhand, to pick a Quarrel with the Prince Elector *Palatine*, and to build a strong Fortress upon his Neighbour’s Territories; pretending he had a Right to that Plot of Ground upon which the said Fortress was rais’d: But an higher Providence did not suffer this Spark to set *Germany* on Fire, tho’ it had been kindled at the Prince Elector’s own Doors. to
affront

An. 17. Car. 1. 1641. affront and provoke him ; for he, by an incredible

Celerity, did cause the said Fortrefs to be demolish-
ed, before the Enemy could fit and furnish it for his
intended Use, which made him sit still and study for
a new Occasion : And, that it might not be long
wanting, the Liberties and Privileges of the *Prote-
stants* in *Bohemia*, contrary to their new King *Fer-
dinand's* Oath, were temerated ; and, by that Means,
in the Year 1619, the greater Part of the Estates of
that Kingdom were necessitated, after mature De-
liberation, to abdicate him, and to elect *Frederick*,
Prince Elector *Palatine*, for their King.

‘ And thus are we arrived at that sad Period of
Time, upon which so many Fatalities have ensued ;
in which we may see evidently, that the Prince E-
lector *Palatine* was not, wilfully, guilty of any Part
of that Ocean of Blood that hath been since spilt in
Germany, as the Pontifician Side pretend he was.

‘ The Scene was, long before, prepared by the
Enemies of the Truth ; and the Kingdom of *Bohe-
mia* was filled with Arms and Hostilities, divers
Months before his accepting of that Crown ; when
himself laboured, by an earnest Mediation, to have
given a peaceable Issue to those bloody Beginnings.

‘ It was the Honour and Greatness of that match-
less Prince that he gain’d here, and the consider-
able Succours they expected from hence, that espe-
cially drew the *Bohemians* to that Choice. It there-
fore concerns us now at length to provide, that the
Prince Elector himself, and the other princely
Branches of that great Family, (being the second
without Question, if not the first and most antient
of the Empire) extracted, by their last Match, from
the Royal Line of *Great Britain*, should not, under
Colour of their Father’s accepting that Crown, to
which they now pretend no Title, be for ever de-
spoiled of their antient Inheritance and Electoral
Dignity ; to which Calamity they had never been
reduced, had not the *French King*, at that Time,
forgotten the old Maxim of his Predecessors, which
was, *To keep even the Balance of Germany* ; to
which also did most fatally concur the Duke of *Ba-
varia's*

varia's Ambition, betraying his own Blood, and the Duke of *Saxony's* taking Arms against the Evangelical Party. By this Means, and the advancing of *Spinola* with the *Spanish* Army out of the *Netherlands*, not only the Kingdom of *Bohemia* was lost in a few Months; but the *Palatinate* also, excepting some few Places of Strength, invested by the Enemy; and that poor People left to Slaughter, Calamity, and Desolation. The Correspondence of some ill Ministers of this State abroad with those of foreign States here, assisted by some fatal Instruments at home, furthered all this Mischief; at that Instant putting this State in hope of a Match, when Supplies should rather have been sent from hence, to have preserved, at least, the Electoral Territories from an invading Power.

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'It is true that the *Spanish* Match had been, generally, treated of some five or six Years before this fatal Fire kindled in *Germany*, being first set on foot by the Duke of *Lerma*, under *Philip* of *Austria*, late King of *Spain*; but now it was effectually advanced, and fortified with a conjoin'd Treaty of accommodating the *Palatine's* Cause, without Effusion of Blood. This and much more appears in the original *Journal Books* of the two Houses of Parliament, *Anno* 21, *Jacobi Regis*, which I have so far perused, as so short a Time would give Leave: And tho' these Matters are there set down at large, especially in the Records out of the House of Peers; yet I have abstracted them into so narrow a Compass, as may well sort with the little spare Time of this House to hear it (*m*). The Relation was first made at *Whitehall* during that Parliament, in the Presence of the greater Part of both the said Houses, on *Tuesday, February* 24: It was afterwards reported upon *Friday* the 27th Day of the same Month, in the House of Lords, by the then Lord Keeper; and, in the House of Commons, by Sir *Richard Weston*, at that Time Chancellor of the

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(*m*) This Narrative, at large, with the several Letters referred to in this Speech, are in our Sixth Volume, p. 20 to 98.

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1641.

Exchequer. It is there at large set forth, That his Majesty's Royal Father, having had several fair Promises from the Emperor *Ferdinand H.* and the King of *Spain*, of a peaceable Restitution of the *Palatinate*, caused not only such considerable Forces, as were then remaining in *Germany* under the Prince Elector's Ensigns, to disband; but procured also some Places of Strength in the *Palatinate* itself, to be surrendered and consigned over to the late *Infanta* of *Spain*. But, in the Year 1622, our late Royal Sovereign King *James*, upon his Ambassador's Return from *Brussels*, having discovered the Emperor's Intentions to be full of Insincerity and Deceit, wrote his princely Letters, bearing Date at *Hampton-Court*, *October 3, 1622* to the (then and still) Earl of *Bristol*, his Majesty's extraordinary Ambassador in *Spain*, to let him know, That he now perceived little Sincerity in all the *Spanish* King's Promises for the peaceable Restitution of the *Palatinate*, by whose only Means he had suffered the same to be lost to the Emperor; and that therefore he should presently press that King, either to give a full and direct Answer, under his Hand and Seal, for the Restitution thereof, or else to join his Arms with his Majesty against the Emperor, for the Recovery of the same. But this Matter, as it further appears by the original *Journal Books* of the House of Lords, being either not thoroughly pressed, or notably dissembled; so many Delays ensued one upon the Neck of another, as, in the Issue, it drew his Royal Majesty, then Prince of *Wales*, to undertake that dangerous and remote Journey into that Nation, which hath been the long and hereditary Enemy of *England*. This Journey was chiefly undertaken by so great a Prince to give an End, one Way or other, to that unfortunate Treaty; and his Stay in *Spain* did wholly proceed from his earnest Desire to have effected a peaceable Restitution of the *Palatinate*; and therefore I doubt not but he shall now live to verify that excellent and heroic Expression, which he made to the Conde *d'Olivarez*, a little before his coming out of that King-

Kingdom, Look for neither Marriage nor Friend-
ship, without the Restitution of the Palatinate. And
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1641.

I assure myself, that the Force and Power of
Great Britain, which was lately, by subtle and wic-
ked Instruments, divided against itself, being now
united in one again, will be able to effect such great
and considerable Actions, as shall render his Maje-
sty's Name and Reign glorious to all Posterity.

The two Houses of Parliament, at that Time,
received the before-mentioned Declaration with so
much Resentment, that, having rendered Glory to
God that had so seasonably discovered the *Spanish*
Frauds, and, next, their humble Acknowledgements
to their then gracious Sovereign, for requiring their
Counsels in a Business of so great Importance; they
did unanimously advise him to break off the said
two Treaties, touching the Marriage and Restitution
of the *Palatinate*; ingaging no less than their Per-
sons and Purfes for the Recovery of the then Prince
Elector's antient and hereditary Dominions (u).

It appears also in the original *Journal-Book* of this
House, *Anno 1. Caroli*, that this great Business was
again taken into Consideration, but was finally in-
tomb'd with other Matters of great Moment, by
the fatal and abortive Dissolution of that Parlia-
ment (o). If therefore this great Council of the
Kingdom did, in those two former Parliaments,
account the Restitution of this Illustrious and Prince-
ly Family to be of such great Necessity for the pre-
serving of true Religion abroad, and securing our-
selves at home, as to engage themselves for an As-
sistance therein; certainly we may, upon much bet-
ter Grounds, undertake the same now, when I as-
sure myself we may go as far with a thousand Pounds
for the present, as we could have done with ten
thousand at that Time; for let us but take a short
View of the Estate of *Christendom*, what it was
then, and what it is now, and we shall easily per-
ceive a great Alteration in the Ballance thereof.

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(u) See the Address of both Houses, to this Purpose, in Vol. VI.
p. 101.

(o) *Ibid.* p. 355.

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‘ In *France*, where Monsieur de Luynes did then rule all, being himself acted by the *Pope’s* Legate, that King, contrary to the Examples of *Francis I.* *Henry II.* and of *Henry the Great*, his own Father, and contrary to the Maxims and Interests of that State, and his own Safety, advanced the formidable Power and spreading Greatness of the House of *Austria*; but now the *French* King’s Eyes have been so opened, that, shaking off that former unhappy Slumber he was in, he hath, by his Arms and Power, to his immortal Honour and Glory, for divers Years last past, endeavoured to restore again that Liberty to the *German* Empire, in the Ruin of which himself had so fatally before concurred.

‘ The *Swedes* were then involved in several Wars, or Jealousies, with the *Poles*, and inforced to keep at home to defend their own; but now have a strong Army, and possess divers Places of important Consequence within the very Bowels of the Empire.

‘ The Episcopal Electors, with the other Pontifical Princes and Prelates, the sworn Enemies of the *Protestant* Religion, were then rich and potent; but, since, most of their Countries and Territories have tasted of the same Calamities of War, which they had formerly brought upon their Neighbours; so that now they are, most of them, scarce able to defend their own, much less to offend any other.

‘ The *Pseudo-Lutheran* Elector of *Saxony*, (that is actually guilty, more than any other single Person living, of all those Calamities and Slaughters, which have for so many Years wasted *Germany*; and was then so liberal of his Treasure, and so forward with his Arms to facilitate the *Emperor’s* Designs, to the almost utter Subversion of the true Religion in *Germany*) is now, after the re-iterated Temeration of his Faith and Promises, the fatal Survivor of the several Devastations of his own Country and Dominions; so that all those vast Difficulties and great Dangers, which might well have retarded the Forwardness of those two former Parliaments, the first being held in the 21st Year of his Majesty’s Royal Father, and the latter in his
OWN

own first Year, being now removed, we have greater An. 17. Car. 1.
Encouragements than ever, to concur with our sacred Sovereign, in asserting this his most just and
1641.
princely *Manifesto*.

‘ For my own Part, I expect no good Issue of the present Treaty at *Ratisbon*: I know the Duke of *Bavaria*’s Ambition too well, ever to imagine he will part with those large Revenues, and much less with the *Septem-Viral* Dignity and Suffrage he hath obtained by the Prince Elector’s Calamity and Misfortune, unless it be extorted from him by Force of Arms.

‘ My humble Advice therefore is, That we send up to the Lords to desire a speedy Conference with them; in which we may acquaint their Lordships how far we have proceeded in our Approbation of his Majesty’s most Royal *Manifesto*, and to move them to concur with us therein.’

After long Debate the Commons came to the following *Resolution*, ‘ That this House doth approve of his Majesty’s pious Intention, in behalf of his Royal Sister the Queen of *Bobemia*, and his Nephew the Prince Elector *Palatine*, and the rest of the Princes of that Family; and of the publishing his *Manifesto* to that Purpose: And this House will be ready to give his Majesty such Advice and Assistance therein by Parliament, as shall stand with his Honour, and the Interest and Affection of this Kingdom, if the present Treaty shall not succeed.’

The Commons resolve to assist the *Palatine Family*.

July 8. The Commons resumed the Debate about Mr. *Holles*, and others, imprisoned and fined, 4^{to} *Caroli*, and came to the following *Resolutions* (p):

Farther Resolutions as to Breach of Privilege, 4^{to} *Caroli*.

1. ‘ That Sir *George Crooke*, one of the Justices of the *King’s Bench*, was not guilty of the Delay in granting the *Habeas Corpus* to Mr. *Holles*, &c.

2. ‘ That the Continuance of Mr. *Holles*, &c. 5^{to} *Caroli*, in Prison, by the then Judges of the

E e 2

King’s

(p) In these and the foregoing Resolutions p. 425, the *Journals* call it 3^{to} *Caroli*, the Parliament being summoned in that Year; but these Transactions were 4^{to} & 5^{to}, after the second Session. See Vol. VIII. p. 356, *et seq.*

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An. 17. Car. 1. *King's Bench*, for not putting in Sureties for their good Behaviour, was without just or legal Cause.
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3. 'That the exhibiting the Information against Mr. *Holles*, &c. in the *King's Bench*, being Members of Parliament, and for Matters done in Parliament, was a Breach of Privilege of Parliament.

4. 'That the over-ruling of the Pleas, pleaded by Mr. *Holles*, &c. upon that Information, to the Jurisdiction of the Court, was against the Law and Privilege of Parliament.

5. 'That the Judgment given upon *Nihil dicit*, against Mr. *Holles*, &c. and the Fines thereupon imposed, and their several Imprisonments thereupon, was against the Law and the Privileges of Parliament.

6. 'That the Proceedings against Mr. *Holles*, &c. by committing them, and prosecuting them in the *Star-Chamber* and *King's Bench*, is a Grievance.

7. 'That Mr. *Holles*, Mr. *Strode*, Mr. *Valentine*, Mr. *Long*, and the Heirs and Executors of Sir *John Elliot*, Sir *Miles Hobart*, and Sir *Peter Hayman*, respectively, ought to have Reparation for their respective Damages and Sufferings, against the Lords and others of the Council, by whose Warrants they were apprehended and committed; against the Council that put their Hands to the Information in the *Star-Chamber*; and against the Judges of the *King's Bench*.

8. 'That Mr. *Laurence Whittacre*, being a Member of the Parliament, 4to *Caroli*, and entering into the Chamber of Sir *John Elliot*, being likewise a Member of that Parliament, searching of his Trunk and Papers, and sealing of them, is guilty of a Breach of Privilege of Parliament, this being done before the Dissolution of the Parliament.

A Member, concerned therein, committed to the Tower.

9. 'That Mr. *Laurence Whittacre*, being guilty of the Breach of Privilege of Parliament, as aforesaid, shall be sent forthwith to the *Tower*, there to remain a Prisoner during the Pleasure of this House.'

Whereupon Mr. *Whittacre* being called down, and kneeling at the Bar, Mr. Speaker pronounced this Sentence against him.

Mr.

Mr. *Whittacre* then desired Permission of the House to speak for himself; which being granted, he did not deny the Matter of Fact, but did endeavour to attenuate it by the Confusion of the Times, at that Time; the Length of Time since the Crime was committed, being 13 Years; the Command that lay upon him, being commanded by the King and twenty-three Privy Counsellors.

But all this availed him nothing, for he was immediately sent to the *Tower*.

Upon the Petition of Commissary *Wilmot* and Col. *Asbburnham*, it was resolved, 'That they should be bailed in the same Manner that Col. *Pollard* had been; and that a Warrant should issue under Mr. Speaker's Hand to the Lieutenant of the *Tower*, to deliver them into the Serjeant's Hand.'

Orders relating
to Col. Goring,
Wilmot, &c.

And it was ordered, 'That Colonel *Goring*, Commissary *Wilmot*, and Colonel *Asbburnham* should be enjoined, from this House, not to offer any Act of Violence one upon another, upon any Resentment of any Thing that has passed here, in the Discovery of this great Design, under which the said Commissary *Wilmot* and Colonel *Asbburnham* lye accused.' Colonel *Goring*, being present in the House, promised to observe the Injunction; and Commissary *Wilmot* and Colonel *Asbburnham* were ordered to give Satisfaction to the House, under their Hands, that they will observe this Command of the House.

July 9. The House of Commons continuing still, from Time to Time, to carry on their favourite Anti-Episcopal Bill, this Day Mr. *Hyde* made a Report from the Grand Committee, when the following Resolutions were agreed to by the House.

1. 'That all the Lands, Possessions, and Rights of all Deans, and Deans and Chapters, shall, by this Bill, be committed to the Hands of Feoffees, to be nominated in the Bill.

The Commons
resolve to vest the
Lands, &c. of
Archbishops, Bi-
shops, Deans, &c.
in Feoffees.

2. 'That all the Lands and Possessions of all the Archbishopricks, and Bishopricks of England

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An. 17. Car. I. Land *Wales*, (except the Impropriations and Advowsons) shall, by this Act, be given to the King.
1641.

3. ' That all the Impropriations and Advowsons, belonging to the aforesaid Bishopricks, shall be committed into the Hands of Feoffees, in the same Manner as the Lands of Deans and Chapters are appointed to be.'

The next Day, *July 10*, the Debate was resumed; and on the Report, from the same Chairman, it was *resolved*, upon the Question, ' That a competent Maintenance shall be allotted out of the Lands and Possessions of the Cathedral Churches, for the Support of a fit Number of preaching Ministers, for the Service of every such Church; and a proportionable Allowance for the Reparation of the said Churches. Also, That such Ecclesiastical Power, as shall be exercised for the Government of the Church, shall be transferred, by this Act, into the Hands of Commissioners to be named in the Act.

The Commons had desired a Conference, with a Committee of the Lords, about the *Manifesto* from the King, relating to the *Palatine* Family; the Report of which was made, in the Upper House, by the Lord Privy-Seal, this Day; who told them, That *Mr. Holles*, from the Commons, in an elegant Expression and true Resentment of the Case of a distressed Prince, had acquainted them with the Particulars thereof. The said Speech is as follows (*p*):

My Lords,

Mr. Holles's Speech, at a Conference, on behalf of the Queen of Bohemia, the Elector Palatine, &c.

' THE Knights, Citizens, and Burgeesses of the House of Commons, have commanded me to let your Lordships know, that they have taken into their serious Consideration, his Majesty's Proposal unto them of the *Manifesto*; in which he is graciously pleased to declare his pious Intentions concerning his Royal Sister, the Prince *Palatine* her Son, and the rest of the *Electoral* Family.

' They

(*p*) From the Original Edition, printed by E. G. for L. Blaikelocke, next Temple-Bar, in Fleet-Street, 1641.

‘ They do, with all Humbleness, acknowledge his Majesty’s Favour, in communicating unto them any Part of his Royal Thoughts ; and asking their Advice and Counsel, in a Business that doth so nearly concern him, as needs must the Happiness, nay the Subsistence, of these distressed Princes of so glorious an Extraction ; their Veins being enriched with the same Blood of Royal Ancestors, which is derived, with Glory, into his Sacred Person.

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‘ And, in that Relation, the House of Commons look upon them with an Eye of Tenderness ; wishing that every Drop of that Princely Blood may ever be illustrated with Honour and Happiness ; that his Majesty may be crowned with this Blessing, To see nothing but Glory in himself, and in all that bow unto him.

‘ To hear then, that these Princes, so nearly allied unto the King, should suffer that which is so unworthy of them ; instead of Honour, of Greatness, to find Oppression ; instead of a Fortune answerable to their Birth and Relation, to have their antient Patrimony torn from them, and detained by a Hand of Violence ; is a Thing which makes our Ears to tingle, and our Hearts to rise within us.

‘ My Lords, the Loyal Subject of *England* is so well tuned in a sweet agreeing Harmony to the Person of his Prince, that he is affected with the least Touch upon any Part of the Princely String, and answers it instantly with a Sound proportionable ; if it be good and pleasant, with Joy and Exultation ; if harsh and displeasing, with Sorrow and Lamentation ; a Sorrow not womanish and faint, but accompanied with Indignation, with vigorous, magnanimous Resolution to be avenged upon whosoever dare give Offence to our Royal Sovereign.

‘ This then is enough to make us zealous for the Redress of the *Prince Elector’s* Wrongs, and to desire, with Impatience, to see him re-invested in his rightful Possessions ; were there nothing else to move us to it, but our Love, our Affection, and our Duty to the King.

‘ But,

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‘ But, my Lords, there is yet another Motive, which hath a strong irresistible Operation with us; and it is the Consideration, how much this is of Importance to the Good of *Religion*, the Advancement of the *Protestant* Party, and the redeeming many Souls from their *Antichristian* Bondage. This hath a double Aspect, and relates to us, not only as we are Fellow-Members with them of the true Church; which obliges us to a Care and Defence of them, and gives us an Assurance of a Reward in Heaven: But doth more particularly concern us, in Point of Policy and Reason of State, by supporting our Allies, to advance this Kingdom to the highest Pitch of Greatness and Reputation; to make us formidable abroad to the Enemies of our Church and State; and so enjoy Peace, Safety, and Tranquility at home.

‘ For, my Lords, the *Protestant* Religion and this Kingdom are like *Hippocrates’s* Twins, that must both live and die together.

‘ It is Madness to think this State can subsist, if Religion be subverted; and as great Madness to think our Religion can continue here, if we suffer it to be destroyed and eradicated out of our Neighbour Countries; which can no more be, (that is, our Religion and this Kingdom be preserved) when our Neighbours of the same Religion and Belief with us be consumed, than a Fort can hold out, when all the Out-Works are taken; or the Heart preserved, when a Gangrene hath seized on the outward Parts of the Body.

‘ My Lords, as the true Religion is, in Fact, the Heart of *England*; which gives it Life, and makes it flourish with Strength and Power; so is *England*, in politick Respects, the Heart of the *Protestant* Religion in all the other Parts of *Christendom*; and, upon Occasion, must send out Supply into all the neighbouring Countries professing the same Religion with it; which (to be themselves in Safety) must be under the Protection of this Fort, under Contribution to this Garrison.

‘ And,

‘ And, on the other Side, if these Countries be, An. 17. Car. I.
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one after another, invaded and possessed by the Enemies of our Religion, that great Tie of Religion between us and those Bonds, which only can unite and strengthen our mutual Affections and Relations, will be dissolved; and if they get one Part, their Appetite will increase soon to swallow up another; as, first the *Palatinate*; then the other Parts of *Germany*; afterwards the *Low Countries*; and then let us think in what Condition *England* will stand. It will be left as a Cottage in a Vine-Yard; as a Lodge in a Garden of Cucumbers; as a besieged City, when all the Defences are gone: It will soon fall to be a Prey to the Enemy.

‘ My Lords, this Consideration likewise works with the Commens of *England*; and as the wise Man is to have his Eyes in his Head, and look before him; so they do look before them, and had rather see this Evil met Half-way, than stay till it comes to them; rather see the eating Gangrene of the *Austrian* Ambition in *Germany*, than tarry till it seizes upon the vital Parts of this *Island*, when the Death of Religion must inevitably follow.

‘ This Business took up a serious Debate; and, after much Time and many Arguments spent upon the Subject, the Knights, Citizens, and Burgesses assembled in Parliament, came to a *Resolution*.

Here the Resolution of the 7th of July was read, and then Mr. Holles proceeded thus,

‘ This *Resolution*, my Lords, they have commanded me to represent unto your Lordships, and desire you will join with them in a Tender of the like Advice unto his Majesty, and Approbation of his Royal Intendments: And likewise, that his Majesty may be moved, in the Name of both Houses, to recommend this Business unto his Parliament of *Scotland*, to have the Consent and Furtherance of that Kingdom; that, as we are Brethren in mutual Affection, in an equal Tie of Duty and Allegiance unto the King our Sovereign; so we may be Brethren also in the same tender Care, and
loving

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An. 17. Car. 1. 1641. loving Zeal for the Good and Support of his Majesty's Kindred, their Restitution to their antient Inheritance, and the Safety of the *Reformed Churches*.'

What is proper here to add, is, That, next Day, the Lords, by a general *Vote* of their House, concurred with the Commons; and likewise ordered a Committee to attend the King, to know when he would be waited on, by both Houses, on this Occasion.

Report of a Conference concerning the Ten Propositions.

Several Debates had happened in the House of Lords, about the *Ten Propositions* sent up some Time ago, from the Commons; and all of them had been agreed to, except that in which the Queen, her Domesticks and Chaplains were concerned. This Day, *July 12*, the Earl of *Bristol* reported the Effect of a Conference with the Commons on this Subject; in which it was argued by them, first, That the College of *Capuchins*, at *Denmark-House*, should be sent out of the Kingdom, because they are conceived to be busy Men in giving Intelligence to foreign States: And the House of Commons are induced to believe this, because they understand that the Letters of the *Capuchins*, which were imported and exported in one Week, came to 3 *l.* 10 *s.* the Carriage. Next, they conceive, That there are some Things contained in the Articles of Marriage with *France*, contrary to Law. Concerning the Education of the Prince, they said they would consult further about it. As to Licenses granted to *Recusants*, they desire his Majesty may be moved that none may be granted hereafter. Concerning the Removal of *Popish Recusant* Ladies from Court, they say they mention'd no Particulars, but spoke in general. Touching that which concerns the Queen, they conceive they have had no full Answer yet. As to an Explanation of who are active *Papists*, they mean those *Recusants* who are rich and have most Power in the Counties where they live, as well Peers

Peers as others ; whom they desire may be disarmed according to Law. Touching the *Pope's Nuncio*, the House of Commons are preparing a Bill against him.

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As to what concerns Lord Lieutenants and Deputy Lieutenants, considering the State of this Kingdom, as it now stands, the Commons desire they may be such Persons as both Houses approve of ; and, that they may be the more enabled to act for the Defence of this Kingdom, there will be a Course taken for the supplying them with Monies out of the Subsidies. And the Commons desire that the King may be moved to let them have such Quantities of Powder out of his Stores as may be spared, and they will pay after the Rate of ten Pence a Pound for it, as soon as they can get Money. And further, to move his Majesty, That the Arms, which have been taken out of the several Counties, may be restored to them ; and if the King can spare any Arms out of his Stores, they will buy them to furnish these *Southern Parts*.

This Day, also, Mr. *Hampden* carried up to the Lords another Bill for granting to his Majesty a Subsidy of *Tonnage* and *Poundage*, and other Sums of Money payable upon Merchandizes imported and exported ; which was read three Times in that Day, and, being put to the Question, it was *resolved, Nem. Con.* to pass into a Law.

The Bill for Tonnage, &c. passed by the Lords.

A Committee of Lords having waited on the King to know his Pleasure, when both Houses should attend him with their Address on the *Manifesto*, the King appointed Five that Afternoon for this Purpose : Accordingly, at that Hour, both Houses went up to the *Banqueting-Room, Whitehall* ; when the Speaker of the House of Lords delivered himself to the King in these Words :

Address of both Houses on the Manifesto relating to the Palatinate.

‘ **Y**Our Majesty, in your Royal Person, was pleased to recommend the *Manifesto*, touching the *Palatinate* ; to be read in full Parliament, and

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and to be advised of by both Houses. Both Houses have since seriously considered of it, and have commanded me to present their humble Advice unto your Sacred Majesty, which is expressed in the *Declaration*, that hath passed the *Votes* of both the Houses, and which I am commanded to read unto your Majesty.

Then he read the Resolution of the House of Commons on the 7th of July, and the Lords Concurrence with it on the 10th, after which he said,

'I am likewise commanded to present the humble Desires of both Houses of Parliament, That your Majesty would be pleased to recommend this *Manifesto* unto the Parliament of Scotland, to have the Concurrence of that Kingdom.'

To which his Majesty returned the following Answer:

The King's Answer thereto,

WE take very thankfully the concurrent Advices of both the Houses of Parliament, in so great and pious a Work, declared in these Votes and Resolutions, which you have read unto us.

We will also take Care to recommend this Manifesto unto the Parliament of Scotland, to have the Concurrence of that Kingdom, which we doubt not but they will perform.

The Speaker was also ordered to press the King for an Answer to the *Third* of the *Ten Propositions*, concerning the Removal of Counsellors, to which he said,

And to the Third of the Ten Propositions.

My Answer is, That I know of none; the which, methinks, should both satisfy and be believed; I having granted, hitherto, all that hath been demanded by Parliament: Nor do I expect that any should be so unadvised, as, by Slander, or any other Ways, to deter any that I trust in my public Affairs, from giving me free Counsel; especially since Freedom of Speech is always demanded, never refused, to Parliaments.

Both

Both Houses being returned, the Lords sent a Message to the Commons, to desire a Conference on his Majesty's Answer to the *Third* of the *Ten Propositions*, as lately delivered.

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About the same Time another Message came up to the Lords by Sir *Henry Vane, jun.* to desire that the Bill for Tonnage and Poundage might be delivered unto them, to be brought up and presented by their Speaker, in regard it was a Free Gift of the Commons of *England*; with the Commission under the Great Seal annexed. But the Lords taking this Message into Consideration, and perusing the Commission, found, by the Tenor of it, That the said Bill could not pass the Royal Assent by virtue of this Commission, if they were separated. Therefore, to remove all Ambiguities, resolved to send some Lords to desire his Majesty would be pleased to come in Person, presently, and give the Royal Assent to the Bill.

Upon this Information the King came down immediately to the House, and, having sent for the Commons, the Bill was delivered to their Speaker, who presented it to his Majesty, and the Royal Assent was given to it. — At the same Time the King signified, ' That lest, in his Answer, this Day, to both Houses, concerning the *Third Head*, there should be any Mistake upon the Word *Slander*; his Majesty declared, That he did not mean it of either House of Parliament, or any Member thereof.'

The Royal Assent given to the Tonnage Bill.

To conclude the Business of this Day, which was a very long one, the Lords sent a Message to the Commons, to desire a Conference with a Committee of them, on the King's Answer about the *Third Head*. This Conference was held that Evening; but no particular Report of it is entered in either of the *Journals*.

July 13. The Lords took into Consideration the Court of the Lord President at *York*, and to give Judgment therein; for a free Debate whereof, the House

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An. 27. Car. 1. House was put into a Committee, and the *Votes* of the House of Commons about it were read. After Debate, the Lords came to the following *Resolutions*.

Resolutions of the Lords against the Court of the Lord President of the North.

1. ' That the Commission and Instructions, whereby the President and Council of the *North* exercise a Jurisdiction, are illegal, both in Creation and Execution.

2. ' That the Commission and Jurisdiction is unprofitable to his Majesty.

3. ' That the Commission and Jurisdiction is inconvenient and grievous to his Majesty's Subjects of those Parts.

4. ' That the House doth join with the House of Commons, in beseeching his Majesty that the present Commission and Instructions may be revoked, and no more such granted for the future.

' *Lastly*, It was declared, That seeing the Commission and Instructions of the Court of *York* are illegal in the Creation and Execution, that the former Judges in the said Court, who have given Judgment, and proceeded as they thought in their Consciences, upon true and legal Grounds, shall not be liable to Punishment for the Time past, unless it be for Corruption; and also that all Judgments and Decrees in that Court shall not be liable to Question, but in Case of Injustice; and that none in that Case shall be barred of their Appeal. And if it appear that there is a Necessity, for the Ease of that Country, to have a Court, this House will advise with the House of Commons how one may be established, by Law, for that Purpose.'

A Committee of Lords were appointed to draw up some Heads for a Conference with the Commons on the aforesaid Particulars; that so the Persons that were Judges, and the Acts of that Court, might have a Saving for them.

The Officers, who had been employed in the Court of *Star-Chamber*, having petitioned the Lords for some Relief, the House did conceive no fitter Relief for these poor Officers, the King's Servants, than

than to remit them to the King's Mercy, That he would be graciously pleased to allow somewhat proportionable to their Losses, out of such Fines as may accrue to him in the High Court of Parliament.

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The Commons had, some Time before, appointed a Committee to consider about the printing and publishing a Speech made by the Lord *Digby*, on the Bill of Attainder against the Earl of *Strafford*; and this Day a Report of it being made by Sir *John Evelyn*, it was resolved, upon the Question, 'That Sir *Lewis Dives* and *John Moore*, as also *Thomas Parslow*, Printer of the said Speech, are Delinquents, in printing and publishing thereof; and that this Book, thus printed, deserves the Brand of this House.' After which they made the following Orders:

The Commons
order the Lord
Digby's late
Speech, in the
Case of Lord
Strafford, to be
burnt.

'Whereas, on the 21st of *April* last past, there was a Speech spoken, in the House of Commons, at the passing the Bill of Attainder against *Thomas Earl of Strafford*, by the Lord *Digby*, then a Member of the said House; the which Speech contained in it Matters untrue and scandalous, as they have Reference to the Proceedings of the Committees of both Houses, and to the Evidence of the Witnesses produced in that Cause: And whereas the said Speech was published by the Lord *Digby*, after the Bill of Attainder was passed by Vote in this House, and after great Offence had been taken to the Speech, and the same questioned in the House; to the Scandal of the Proceedings of this House, and to those of his Majesty and both Houses of Parliament: It was therefore ordered, that the said Books should be publicly burnt, part of them in the *New Palace-Yard, Westminster*, others in *Cheapside, London*, and the rest in *Smithfield*, by the Hands of the common Hangman. And the Sheriffs of *London* and *Middlesex* were to take Care to see this Order executed.'

Then it was farther resolved, 'That this House shall move the Lords to join in a Petition to his Majesty, that he will be pleased to forbear to confer

An. 17. Car. I. 1641. fer any Honour or Employment upon the Person of the Lord *Digby*, who has deserved so ill of the Parliament (q).'

July 14. A Message was brought from the House of Commons to the Lords, by the Lord Viscount *Cranborn*, Member for *Hertford*, to desire a Conference, presently, by Committees of both Houses, concerning the Queen's intended Journey to the *Spaw in Germany*. This Conference being held, it produced a Petition from both Houses, which was pre-

(q) *Nalson* informs us, 'That there being a Report spread abroad, that his Majesty intended to send the Lord *Digby* abroad under some honourable Character, and, as was said, Ambassador into *France*; his Enemies in the House of Commons being extremely settled at it, were resolved, if possible, to set a Brand of Infamy upon his Lordship; and therefore, not content to have disgracefully expelled him out of their House, [See p. 339.] they revived his dormant Speech concerning the Attainder of the Earl of *Strafford*.

In the Lord *Digby's* *Apology* (printed in *January*, 1641, by *Thomas Walkley*) he gives the following Account of the printing and publishing this Speech: 'I did not find only that it was unfaithfully reported, and uncharitably interpreted, but was inform'd, that Copies went abroad of it, so falsely and maliciously collected, as made the whole Speech a Justification of my Lord of *Strafford's* Innocence; and Sir *Lewis Dives* having heard of such a Copy in the House of a Citizen of good Quality, where he heard me mentioned as a Person fit to have his Name fixed upon Posts, that I might be torn in Pieces by the People; upon that Reason, earnestly desired me to give him a true Copy of what I had said in that Argument, which I did; and he forthwith gave Direction for the printing it, without any Privy of mine; yet, if I had consented to it, and directed it, I profess I should little have imagined, that (at a Time when there was such an universal Licence taken to print every Thing, of how great Irreverence soever, either to Church or State, with Impunity) a Speech made in the House of Commons, a Speech so narrowly and severely sifted and examined there, and yet let pass without the least Censure, either on the Speech itself or the Author: [From hence it appears that the Account before given by Dr. *Nalson*, of his Lordship's being expell'd the House of Commons, is a Mistake] That the printing, I say, of such a Speech should rise to so high a Nature, as to make me for ever incapable of any Honour or Employment in the Common-Wealth, I profess could hardly have fallen within my Reason or Fears to suspect: And yet three Months alter the Fact committed; after the printing of an hundred Speeches more by other Men; after my having several Times sued and pressed for a Hearing, whilst I was of the House of Commons; after, by his Majesty's Favour, I had sat six or seven Weeks a Member of the House of Peers; after all this no less a Judgment, as far as the Vote of the House of Commons could contribute to it, passed upon me, unheard, over and above the Shame of having the Speech itself burnt by the Hand of the Hangman.'

presented to the King the Day following, and was An. 17. Car. I.
in these Words: 1641.

YOUR Majesty's most loyal Subjects, the Lords and Commons, taking Notice of an Intention of the Queen's Majesty to pass beyond the Sea, whereby the Kingdom will be deprived of the Comfort of her Majesty's Presence, have thought good to express their humble Duties and Affection for your Majesty, and to the Royal Person of the Queen, in some Considerations which they do now present unto you, as they conceive very important to the Good of this Kingdom, and the Safety and Contentment of her Majesty; whose Honour and Happiness shall always have a chief Place in their Estimation and Desires: Which Considerations are these following;

1. There is great Cause to doubt lest the Papists have some Design upon her Majesty's Journey, because the House hath been informed that divers of them have sold off their Lands to a good Value, and used other Means to get ready Money.

2. It is observed that some of them have been very diligent in gathering great Quantities of Gold.

3. It is informed that more than an ordinary Number of Papists are gone beyond Sea already, and those of the better Sort.

4. The great Number of English Fugitives now beyond the Seas, who, by their late Designs and Practices, are known to be full of Malice to the State, and will, no doubt, seek all Opportunities of Access to her Majesty; and, as much as they can, labour to infuse into her such evil Counsels as may trouble the Peace of the Kingdom; whereof, at this Time, there is more Danger, because the Affairs of the Kingdom are not yet fully settled; and, upon disbanding the Army, all Parts are like to abound with Soldiers, and such others as will be apt to be provoked to Tumults and Seditions, especially in the Time of the King's Absence in Scotland.

5. That the House of Commons have received Information of great Quantities of Treasure, in Jewels,

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1641.

Plate, and ready Money, pack'd up, to be conveyed away with the Queen; not only in such a Proportion as the present Occasions, with due Respects to her Majesty's Honour, may seem to require, but a far greater Quantity; and that divers Papists and others, under Pretence of her Majesty's Goods, are like to convey very great Sums of Money, and other Treasure, beyond the Seas, which will not only impoverish the State, but may be employed to the fomenting some mischievous Attempts, to the Trouble of the Public Peace.

6. *That, as it will be a great Dishonour to the State, if her Majesty should not be attended and furnished suitably to her Quality; so it will be a very heavy Burden, in this Time of great Necessity, and Occasions of other public Charges, if she shall be provided in so Royal a Manner as shall be fit for her Majesty, and the Honour of the King and Kingdom.*

7. *That because we understand, by Sir Theodore Mayerne, that the chief Cause of her Majesty's Sickness and Distempers proceed from some Discontent of her Mind, the House of Commons have thought good to declare, That if any thing within the Power of Parliament may give her Majesty Contentment, they are so tender of her Health, both in due Respect to his most Excellent Majesty and herself, that they will be ready to further her Satisfaction in all Things, so far as may stand with that Public (q) to which they are obliged.*

8. *That the House of Commons conceive it will be some Dishonour to this Nation, if her Majesty should, at this unseasonable Time, go out of the Kingdom, upon any Grief or Discontent received here; and therefore they shall labour, by all good Means, to take away and prevent all just Occasion of her Majesty's Trouble, in such Manner as may further her Content, and therein her Health, which will be a very great Comfort and Joy both to ourselves and the rest of his Majesty's loving Subjects.*

All which they humbly commend to your Majesty's princely Wisdom; beseeching your Majesty, that, by your Allowance, they may represent their humble
Desires

(q) *Hiatus in Orig.*

Desires at such Time, and with such Numbers of An. 17. Car. 1.
both Houses, as her Majesty shall please to appoint (r). 1641.

July 16. Six Lords and twelve Commoners waited on the Queen, by her Appointment; when the Lord Keeper delivered the Desire of both Houses to her Majesty, in much the same Words as are contained in the latter Part of their Address to the King; to which the Queen returned the following Answer:

I Give many Thanks to both Houses of Parliament, Her Majesty's Answer.
for their great Care of my Health, and their Affection to me, hoping I shall see the Effect of it. Truly, nothing but my Health could have made me to resolve of this Journey; and, if I thought I could serve the King and this Kingdom with the Hazard of my Life, I would do it. And I hope you will believe that I have so much Interest in the Good of this Kingdom, that I shall never wish any thing to the Prejudice of it.

You will pardon the Imperfectness of my English; I had rather spoken in any other Language, but I thought this would be most acceptable.

July 20. The Commons sent up their Charge against *Matthew Wren*, Bishop of *Ely*, by *Sir Thomas Widdrington*, Member for *Berwick*; who, upon presenting the same, made the following Speech (s):

My Lords,

I Am commanded by the Knights, Citizens, and Sir Thomas Widdrington's Speech to the Lords, on Burgesies now assembled for the Commons in Parliament, to deliver to your Lordships these Articles against *Matthew Wren*, D. D. late Bishop of *Norwich*, and now Bishop of *Ely*; may it please your Lordships to hear them read. *Articles against the Bishop of Ely.*

[Here the Articles, given before at p. 412, were read.]

F f 2

My

(r) The last Paragraph is omitted in *Rushworth*, but supplied from the *Commons Journals*.

(s) From the original Edition, printed for *L. Blaikelocke*, 1641. *Rushworth* only says, That *Sir Thomas Widdrington* made a smart aggravating Speech at the Delivery of these Articles.

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‘ My Lords, these Articles are dipped in those Colours in which this Bishop rendered himself to the Diocese of *Norwich*: They need no Gloss nor Varnish. In them you may behold the Spirit and Disposition of this Bishop; hear the Groans and Cries of the People; see a Shepherd scattering (I had almost said devouring) his own Flock. He that was desired to paint *Hercules*, thought he had done enough, when he had made a Resemblance of the Lion’s Skin, which he was wont to carry about him as a Trophy of his Honour.

‘ I will not say, in these, you will find a Resemblance of the Lion’s Skin. I am sure you will find the Resemblance of the Skins, (that is to say, the tattered and ruined Fortunes) of poor innocent Lambs, who have extremely suffered by the Violence of this Bishop.

‘ In the Year 1635, this Man was created Bishop of *Norwich*. He is no sooner there, but he marcheth furiously.

‘ In the Creation of the World, Light was one of the first Productions. The first visible Action of this Bishop, after his Creation into this See, was to put out many burning and shining Lights; to suspend divers able, learned, and conscientious Ministers. He, that should have been the Golden Snuffer of these Lights, became the Extinguisher; and, when these are taken away, where shall poor Men light their Candles?

‘ My Lords, this was not all: He puts out Lights, and sets up Firebrands in their Places; suspends painful Ministers, and sets up idle, factious and superstitious *Priests* (to use their own favourite Word) in their Places; yet it is the Fortune of these Men, at this Time, like Rivers in the Ocean, to be buried in the extreme Activity of their Diocesan.

‘ He made a Scourge, not of small Cords, but of new Injunctions and numerous Articles, tied about with a strong Twist of a most dangerous Oath; and with this he whips, not Buyers and Sellers, but the faithful Dispensers of the Word, out of their Churches, out of their Estates, out of their dear Country.

This

‘ This *Noah* (if I may so call him without Of- An. 17. Car. J. 1641.
fence) as soon as he entered into the Ark of this
Diocese, he sends, nay, forces Doves to fly out of
this Ark ; and when they return unto him with
Olive Branches in their Mouths of peaceable and
humble Submission, he will not receive them into
this Ark again ; unless, like Ravens, they would
feed upon the Carrion of his new Inventions, they
must not have any Footing there. He stands, as a
flaming Sword, to keep such out of his Diocese.

‘ My Lords, unless he had done this, he could
never have hoped to have brought that great Work,
he undoubtedly aimed at, to any Perfection.

‘ Whilst the *Palladium* of *Troy* stood, that City
was impregnable. The *Greeks* had no sooner stolen
that away, but they instantly won the City : So
then he first put out the Candles ; then was the Op-
portunity to shuffle in his Works of Darkness : He
first beats off the Watchmen and Seers ; then was
likely to follow that which the Impiety of some
was pleased to stile, The Piety of the Times.

‘ This being done, he then begins to dress out
God’s Worship, according to his own Fancy. This
he expresseth in Injunctions and Directions, the
Minerva’s of his own Brain. We find them stiled,
Regales Injunctiones Domini Episcopi ; a Stile too
sacred to baptize his Brats withall : I shall be
bold to call them *Tyrannicas Injunctiones Domini
Episcopi*.

‘ Stories afford not a more barbarous Cruelty, than
to join a dead and a living Body together ; the one
is miserably killed with the Stench of the other.
This Bishop, who, like *Aaron*, should have stood
between the Living and Dead, hath joined to lively
Ordinances many dead and venomous Ceremonies ;
which have no other Life than what they received
from the Breath of his Injunctions ; and these are
pressed upon the Consciences ; even these must be
observed, as moral Laws.

‘ An arbitrary Government in the Church is
more dangerous, more grievous than that in the
State ; This is exercised upon Men’s Consciences,

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the most tender Parts ; and is the very Pinacle of Tyranny, and of all others the most intolerable. That Blow, which will hardly be felt by the Arm, will put out the Eye.

‘ My Lords, in the Time of King *Richard I.* one of this Man’s Predecessors, a valiant Bishop, went into the Holy War (*t*): This Bishop hath raised a War at home in his own Diocese ; a War not against *Saracens, Barbarians, Turks, or Infidels*, but against good and well disposed People. I know not what Stile to give this War : Without Doubt, my Lords, this was no Holy War.

‘ The Weapons used in this War were 28 Injunctions, 139 Articles, containing 879 Questions.

‘ The Soldiers were Chancellors, Commissaries, Officials, Commissioners, Rural Deans, &c.

‘ Himself commanded in chief.

‘ The Ways of Assault and Killing were by Excommunications, Suspensions, Deprivations.— I stop here.—*Mille Modis morimur Mortales.*

‘ The Magazine, wherein all these were originally hatched and lodged, was the superstitious and malicious Breast of this Bishop.

‘ His Diocese was the Stage where the direful Tragedies of this War were acted, by the Space of two Years and upwards.

‘ Thus did he trouble *Israel*, in the Time of Peace ; nay, by these, he put some of the Chariots and Horsemen of *Israel* to flight ; out of these he raiseth a Farm of 500 *l.* for his Primary Visitation. If it be considered, *cum Pertinentiis*, it was not dear, yet well improved ; for it was but 40 *l.* in the Time of some of his Predecessors.

‘ Will it please your Lordships, with Patience, to cast your Eyes upon the Model of this Bishop’s Zeal, Piety, and Religion : Let his Affection to Prayer and Preaching speak for all the rest.

‘ *First*, for Prayer. It was his Hap to find a Prayer, which is no Prayer ; pretended to be prescribed by a

Ca-

(*t*) He means *William de Longo Campo*, or *Longchamp*, Bishop of Ely ; who died at *Poitiers* on his Return home,

Rad. de Diceto, inter Decem Scriptores. Col. 651.

Canon, which is no Canon; I mean the 55th Canon, set forth in the Year 1603; and no other Prayer must be used in his Dioceſe before Sermon. An. 17. Car. 1. 1641.

‘That Monſter of conceived Prayer. (pardon the Expreſſion, it’s not mine own) ſeemed as bad to him as a Spell or Charm. It muſt not be uſed upon any Occaſion. Without Doubt he would never have been ſo ſtrait laced and ſevere in this Particular, if he had but dreamed of that Strait which a Miniſter, a Friend of his, was put unto by this Means: The Story is ſhort; A Butcher was gored in the Belly by an Ox; the Wound was cured; the Party deſired publick Thankſgiving in the Congregation; the Miniſter, finding no Form for that Purpoſe, read the Collect for Churching of Women.

‘*Next* for Preaching. That he is moſt able in this Kind is agreed on by all: But that he ever preached himſelf in his Dioceſe, ſaving once, I never heard affirmed by any.

‘His next Care was that others ſhould not preach too often; if they did, they muſt be put into his black Bill. He changed that golden Sentence of *Væ mihi ſi non prædicavero*, into *Væ aliis ſi prædicaverint*. He was ſo far from the Practice of St. Paul, the great Preacher of the *Gentiles*, who, we read, preached till Midnight, that there muſt be no Sermons in the Afternoon; but there may be, nay there muſt be, Sports and Paſtimes then. And, as if he had ſtood in fear of the inarticulate Language of Bells which might foretell a Sermon, he cannot endure the Noiſe of a Sermon in the Toll of a Bell. In a Word: He adorned Churches, at the Charge of others; and ſpoiled Pulpits, which ought to have been the greateſt Part of his own Charge.

‘My Lords, you have now preſented to your Lordſhips a Brother, nay, one whoſe Place engaged him to be a Father of the Clergy; yet one who, like *Joſeph’s* Brethren, hath taken the Coats from *Joſeph*; nay they were forced to fly from him as *Joſeph* from his Miſtreſs, or elſe they muſt taſte of his forbidden Waters; but, in their going away, he rent their Skirts, nay their whole Garments

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ments and Livelihood from them. He hath taken the Lock from many *Sampsons*, and done what he could to put out their Eyes, and to make them grind in the Mill of his pernicious and dangerous Innovations.

‘ He should, like *Moses*, have led his Flock. *Moses* led the Children of *Israel* through the *Red Sea*; this Man drives Part of his Flock over the Sea, but went not himself.

‘ Like *Nimrod*, he hath invaded the Laws and Liberties of the Subject: He hath been as great a Robber as ever was presented to your Lordships: He hath robbed the King of his Subjects, the greatest Glory of Kings; a Kingdom of Trade, of its Tradesmen, the Supporters of it.

‘ He that deprives the King of one Subject, you know his Punishment; and what shall be the Punishment of him who hath robbed the King of so many Subjects?

‘ In the 16th Year of King *Henry III.* we find a Tenant in Dower punished in Action of Waste, because she had destroyed two rich Villains, and made them Beggars.

‘ I appeal to your Lordships, what is his Offence who hath committed so much wilful Waste and Spoil, beggared hundreds, not Villains, but free-born Subjects.

‘ He robbed Souls of that sweet *Manna*, which is *Pabulum Animarum*, the Word of God.

‘ My Lords, I have not yet recounted all his Robberies: He hath robbed God of Part of his Day, making Part of that, a Day of Sports: He hath robbed the Subjects of their indubitable Birth-right, the Laws of the Kingdom.

‘ The Citizens of *Norwich* must pay Tythes for the Rents of Houses; there’s no Law in *England*, nor Custom in *Norwich* for it: ‘Nay, and that they may be sure to be robbed of Justice too, the Suit for these Tythes must be in his own Consistory, from whence there must be no Appeal, no Prohibition.

‘ The

‘ The true Patrons of Churches ; they are robbed of their Presentations ; others, who had none or small Pretence of Right, are admitted upon this unhallowed Maxim, That if he should institute those who had Right, the Pretender was without Remedy. By this he inverted a fundamental Law of this Nation, to invest remediless Rights in unjust Possessors. An. 17. Car. I.
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‘ My Lords, I cannot tell you all, but you can measure a Lion by the Paw.

‘ I am commanded to lay this great Malefactor at your Doors ; one who hath been a great Oppugner of the Life and Liberty of Religion ; and who set a Brand of Infamy (to use his own Words) upon *Ipswich* Education.

‘ In Sum : One who is a compleat Mirror of Innovation, Superstition, and Oppression. He is now in the Snare of those Articles, which were the Works of his own Hands.

‘ The Rod of *Moses*, at a Distance, was a Serpent ; it was a Rod again when it was taken into his Hand : This Bishop was a Serpent, a devouring Serpent, in the Diocese of *Norwich* ; your Lordships peradventure will, by handling of him, make him a Rod again ; or, if not, I doubt not but your Lordships will chastise him with such Rods as his Crimes shall deserve.

‘ My Lords, I am commanded by the House of Commons to desire your Lordships, That this Bishop may be required to make Answers to these Articles ; and that there may be such Proceedings against him, as the Course and Justice of Parliament doth admit.’

But more of this hereafter.

A Priest of the *Venetian* Ambassador’s having been seized and imprisoned for being an *Englishman* born, it occasioned a Representation to the King about it, who referred it to Parliament. This brought on a Conference between the two Houses, at which Time the Commons presented to the Lords five Heads to be added to the other ten formerly mentioned ;

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The Commons
present to the
Lords five addi-
tional Proposi-
tions;

tioned; with a Desire that their Lordships would join with them to move his Majesty therein, *viz.* That the House of Commons doth desire,

1. 'That no foreign Ambassador whatsoever may shelter or harbour any *Popish Priests* or *Jesuits*, that are Natives of the King's Dominions, under Pretence of being their Servants, or otherwise.

2. 'That Care may be taken concerning several Commissions granted for the levying of Men in *Ireland*, to the Number of 14,000, as they are informed, and all of them *Papists*, in order to be transported, as is conceived, to Princes not well affected to this Kingdom; and that *Popish* Commanders may not have such Power, by Commissions, as is, of late, granted to them.

3. 'Also that no *Papist*, hereafter, may have the Keeping of any Castle, Fort, Chace, Forest, Park, or Walk, within *England* or *Wales*; and that such as are in Possession may be put out, according to Law.

4. 'That the King may be moved to let the House of Commons have such Gunpowder out of his Stores as may be spared, and they will pay after the Rate of Ten-pence a Pound for it, as soon as they can get Money.

5. 'To move the King that the Arms, which have been taken from the several Counties, may be restored to them; and if his Majesty can spare any Arms out of his Stores, they will buy them.'

Which being ap-
prov'd by them
are assented to by
the King.

The Lords, taking these five Propositions into Consideration, *ordered*, To join with the House of Commons, humbly to move his Majesty, that he would be pleased to assent to them. A Committee was appointed for that Purpose, and the King readily consented to them all.

July 21. This Day the Queen sent another Message to both Houses, concerning her Majesty's going abroad, which was in these Words:

When

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When the Parliament did, the other Day, express their Affection to me, by taking into Consideration the Journey which I had resolved on for the Recovery of my Health; and represented a Desire of my Stay; with a tender Care of removing all Occasions of my Indisposition; I could not then give a positive Answer, such as I desired, for their Satisfaction, because I knew not if my Health would give way to it; but, since that Time, I have resolved to venture my Health, and, for complying with their Desires, not to go, since my Presence here will be acceptable unto them, and that they conceive it will be for the Good of the Kingdom; for I desire nothing more than to let them see, that I shall, in all Things, be ready to gratify them, and to serve the State, tho', as I then said, with the Hazard of my Life.

The Queen's
Message signify-
ing that she has
put off her Jour-
ney;

In return to this Message, the House of Commons instantly went upon a Bill they had had a long Time before them, about settling the Queen's Jointure. Afterwards both Houses agreed, at a Conference, to return Thanks to her Majesty; which was delivered by the Earl of *Essex*, in these Words:

Both Houses of Parliament have, with very much Comfort and Thankfulness, received that gracious Message, whereby your Majesty hath been pleased to declare your Resolution of staying your intended Journey, at their humble Desire; which they hope will be no Prejudice to the Recovery of your Health, but rather an Advancement of it, by that Contentment which you will receive from the continual Expression of their Affection and Zeal to do you Service. And they have commanded me, in their Names, to declare, That both their Prayers and Endeavours shall concur in all Things tending to your Majesty's Welfare and Prosperity; which they shall esteem as a very great Blessing, both to the Kingdom and to themselves.

For which both
Houses return
her Thanks.

To

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Ans. 17. Car. I. To which Address the Queen gave the following Answer :
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Her Majesty's
Reply.

I Am very glad that both Houses of Parliament have taken my Resolution of staying my Journey in so good Part. They may see, by it, I have preferred their Content before my own Health. I shall still continue to do all that lies in my Power to serve the King, for the Good of the Kingdom, and to please them, as they have already seen.

The Time of the King's going into *Scotland* approaching, the House of Commons were apprehensive of an Adjournment. On this Subject a Conference was held with the Lords, and this Day the Earl of *Bristol* reported it to that House, to this Purpose :
A Conference on occasion of the King's Journey to Scotland.

‘ That, at this Time, there being so many great and important Causes depending in both Houses of Parliament, wherein both Houses were equally interested for the Public Good, and many emergent Occasions may happen and be known to one House before the other ; therefore the Desire of the House of Commons is, That each House may acquaint the other, by Conference, before any Recess be resolved on.’

The Lords considered of this Proposal, and, after some Debate, it was ordered, ‘ That this House shall not resolve of any Recess, unless there be two Days Warning given, and then they would acquaint the House of Commons with it.’

From the 22d to the 26th of this Month, both Houses were employed in divers Conferences : *First*, About renewing the Term for a Cessation of Arms between the two Armies, as the *Scots* Treaty still subsisted. *Next*, About raising Money for disbanding both Armies ; which, as the *Poll-Tax* came but slowly in, could not be done without it ; to which End, a Loan of 40,000 *l.* was desired from the City of *London*, and the Lord Mayor and Al-

Aldermen sent for to the House of Lords ; who, An. 17. Car. I. 1641. by their Answers, plainly shewed they were not over-ready to do it ; so jealous they were of the Instability of these Times.

July 26. The House of Commons, this Day, began to resume the Affair of the Plot, so long neglected ; and several Resolutions of this House were made against *Henry Percy, Esq;* *Sir John Sucklyn,* *Mr. William Davenant,* *Henry Jermyn, Esq;* Resolutions relating to the Army-Plot. *Commissary Henry Wilmot,* *Colonel William Ashburnham,* *Sir John Berkeley,* *Colonel Hugh Pollard,* and *Daniel O'Neal, Esq;* who were voted to be concerned in a Conspiracy, to disaffect the Army towards the Parliament, and to work a Belief in the said Army, that the King and Parliament would disagree ; and so, under Pretence of adhering to his Majesty, to incense the said Army against the Parliament, thereby the better to compass their wicked Design ; and further endeavoured to persuade the Army, that all the *French* about *London* would assist them ; and, to the great Scandal of the King and his Government, that the Prince and the Earl of *Newcastle* were to meet the said Army at *Nottingham*, with a thousand Horse, &c. But nothing further was done, than an *Order* made to proceed in this another Time.

July 27. Mr. *Hampden* acquainted the House, That the Earl of *Essex* had received Letters from The Q. of Bohemia's Thanks to the Parliament. the Queen of *Bohemia*, wherein she gave humble Thanks to the Parliament for their Regard and Consideration of her.

July 28. The Lord Keeper told the House of Lords, ' That his Majesty had commanded him to acquaint them, That because he intended his Journey towards *Scotland*, on *Monday, August 7* ; and in regard he hath heretofore left two Commissions, the one directed to the Lords of the Privy Council, for the ordering of the Affairs of State, and the issuing out of Proclamations on emergent Occasions ; the other authorizing a Person of Honour to be Captain-

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The Earl of Essex appointed
Captain-General
South of Trent.

Captain-General, for the levying of Forces on this Side *Trent*, if there should be any Necessity, for the Safety of the Kingdom; his Majesty now thinks fit to issue out the like Commission for the said public Services, in his Absence, with some Variations and Omissions, according to the Occasion; and hath named the Earl of *Essex*, Lord Chamberlain, to be Captain-General on this Side *Trent*; but his Majesty would execute nothing therein, till he had made the same known to both Houses of Parliament, desiring to have their Concurrence and Assistance in all his great Affairs.'

A Message was immediately sent to the House of Commons to desire a Conference on this Occasion, and the King's Nomination of the Earl of *Essex* was approved of by both Houses.

A Conference relating to disbanding the Army.

July 29. The Commons being willing to have both Armies disbanded before the King's going into *Scotland*; and having at length raised Money for that Purpose, a Conference was held; wherein it was proposed, 1st, 'That the 9th of *August* next should be the Day appointed for the marching away of the *Scots* Army. 2^{dly}, That the Money due for the Relief of the *Northern* Counties being ready, if they shall desire any reasonable Guard for the Conveyance of it, they shall be assisted in the best Manner they can. 3^{dly}, The House of Commons desired that the *English* Lords Commissioners may move the *Scots* to put off the Time for the Payment of the 80,000 *l.* part of the *Brotherly Assistance Money*, till the first Day of *September* next; but, notwithstanding, they would pay it sooner if they could. 4^{thly}, That after the *Scots* had declared their Assents for Disbanding, that then our Army should be disbanded with all possible Speed; the Horse to be first disbanded.' All which Propositions were assented unto by the Lords; who did further order, 'That the Lords Commissioners do resume the Treaty with the *Scots*, and prepare it for a Conclusion; and that the select Committee of both Houses for

for the *ten Heads*, be desired to finish and close up An. 17. Car. I.
this Treaty.' 1641.

July 30. On this Day another Conference was held between the two Houses, on the Subject of his Majesty's going to *Scotland*. The Lord Privy Seal made the Report of it as follows :

' That the House of Commons desired their Lordships to join with them in a Petition to the King, that he would be pleased to grant a Commission, to one or more Person or Persons, to have the Power of a *Custos Regni*, or *Locum-tenens*, during his Absence out of the Kingdom ; and, amongst other Things, specially to grant to such Person, or Persons, Power to give the Royal Assent, in Parliament, and to do such other Things as the King might do in Parliament, was he present : And also that his Majesty may be petitioned for an Act of Parliament to pass to this Effect, that such a Commission shall not be determined untill his Majesty's Return from *Scotland* to the Cities of *London* and *Westminster*, or be present in full Parliament.'

Another concerning the Appointment of a *Custos Regni* during the King's Absence.

Ordered, ' That the Business of a *Custos Regni* shall be debated on *Monday* the 2d of *August* next ; and a Committee of Lords were appointed to peruse some Records, which Mr. *Selden* had quoted in the Conference concerning this Matter.'

The same Day a Bill from the Commons, For the general taking of the late Protestation, being read in the House of Lords, it was, by their Lordships, urged, That tho' they approved of the taking of it by the Members of each House, yet they did not of the general taking of it throughout the Kingdom. Upon this the Bill was dismissed ; of which the Commons having Notice, they presently laid it upon the *Bishops* and *Papish* Lords in the House, and came immediately to these Votes upon it.

The Commons resent the Lords rejecting their Bill for a general taking of the Protestation.

1. ' That this House doth conceive that the Protestation, made by this House, is fit to be taken by every Person that is well-affected in Religion, and to the Good of the Common-Wealth ; and therefore doth declare, That what Person soever

Their Votes thereupon.

that

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1641.

2. ' That the Knights, Citizens, and Burgesſes, and the Barons of the *Cinque Ports* reſpectively, ſhall forthwith ſend down to the ſeveral Places for which they ſerve, Copies of this *Vote* of the Houſe concerning the *Proteſtation*.

3. ' That theſe *Votes* ſhall be printed, and atteſted under the Clerk's Hand.'

An Impeachment ordered againſt the Biſhops concern'd in making the new Canons.

It was alſo ordered, ' That a Committee ſhall prepare an Impeachment againſt the Biſhops, the Makers of the New Canons and Oath, upon the *Votes* that have paſſed both Houſes concerning theſe Canons and Oath; and that no *Papiſh* Lords ought to have Vote in the Houſe of Lords in Matters of Religion.'

Answer of the Scots Commiſſioners as to diſbanding their Army.

July 31. The Earl of *Briſtol* reported the Answer from the *Scots* Commiſſioners, about the Removal and Diſbanding of their Army, which was read in the Houſe of Lords, declaring, ' That they had ſent to acquaint the Lord-General and the Army's Commiſſioners with it, from whom they expected very ſatisſactory Answers. They deſired that the Arrears might be ſent to *Newcaſtle*, that they might finiſh their Accounts and pay their Debts in thoſe Counties, and be better prepared for Diſbanding: But they conceived the Non-timous Delivery of the Arrears would be the greateſt Impediment in their Removal, &c.'—However the *Engliſh* Parliament having taken Care to ſatisſy all the Demands the *Scots* could make, both Armies were diſbanded in the Beginning of next Month.

Auguſt 2. Being *Monday*, the Houſe of Commons received a Meſſage from the Lords, by two of the Judges, ' That they deſired a Conference, by a Committee of both Houſes, in the *Painted-Chamber*, preſently, if it might ſtand with their Convenience.' The Meſſengers were told, ' That this Houſe had taken their Lordſhips Meſſage into Conſideration, and would return an Answer by Meſ-

Messengers of their own.' Afterwards Mr. *Pymme* An. 17. Car. I. was sent up to the Lords with this Message: 1641.

'Whereas this House hath received a Message from your Lordships for a present Conference, A Conference a- without any Expression of the Subject, or Matter bout printing the of that Conference, which is contrary to the con- late Protestation stant Course of either House; therefore this House Commons. cannot yield to a present Conference.'

Another Message was soon sent from the Lords, declaring the Subject of the Conference; on which it was agreed to by the Commons. The Business of it was about a printed Paper, published in the Name of the House of Commons, enforcing the taking of the late *Protestation*, which the Lords desired to know whether it was by their Order or not. The Commons taking Time to consider of it, at another Conference, the next Day, Mr. *Holles* made the following Speech (u) in Justification of the *Votes* of the Commons, concerning the general taking of the *Protestation*:

My Lords,

'I Am commanded by the Knights, Citizens, and Mr. *Holles's* Burgesses to present unto your Lordships their Speech in Justifi- Answer to what was proposed Yesterday. cation thereof.

'They take Notice of your Lordships Desire, that a true Intelligence may be kept between the two Houses, for so your Lordships did express it.

'In this they do, with all Chearfulness, concur with your Lordships; as knowing this Conjunction, between your Lordships and them, is the Golden Chain which binds up, in one *Gordian Knot*, the Strength, the Beauty, the Happiness of this Kingdom; which, so knit together, is not to be broken in sunder by the fiercest Violence.

'Therefore, he who desires to unlink this Chain, and dissolve this Knot, or fails of his Part to the preserving and continuing it fast, firm, and entire, let the Sin of it lye at his Door; nay, let it come into the Midst of his House and consume it; let him perish, and his Posterity inherit only his Shame.

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'So

(u) Printed for L. Blaikelocke, 1641.

An. 17. Car. 1.
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‘ So careful will the House of Commons be to cherish and maintain this good Correspondency with your Lordships in all Things.

‘ Next, for the Business about which your Lordships were then pleased to confer with them; which was a printed Paper you had met withall, as you said, in your House, setting forth some *Resolutions* of the House of Commons, concerning which you have put unto us these two Interrogatories, viz.

1. *Whether those printed Papers were the Votes of the House of Commons?*

2. *Whether they were printed by their Command?*

‘ They answer, That not finding this Paper attested by their Clerk’s Hand, they could not judge of it: They had resorted to his Book, wherein their *Orders* and *Votes* are entered, and where they found their *Votes* concerning their late *Protestation*, taken both by your Lordships and them; and they found the Contents of this Paper to agree in *Terminis* with what is entered in their Clerk’s Book.

‘ Then they called to Mind what had passed in the House upon that Occasion, when those *Resolutions* of theirs were voted; how they had considered of that *Protestation*, that it bound all Men to defend the Religion here established, &c.

‘ This they conceived to be a true Test of every good Subject, a *Shibboleth* to distinguish the *Ephraimites* from the *Gileadites*; that whosoever was well-affected in Religion and to the Good of the Commonwealth, would make this *Protestation*; and, on the other Side, who would not make it, was not well-affected.

‘ They held it their Duties, in Discharge of the Trust reposed in them by the whole Body of the Kingdom, all the Commons of *England*; who have sent them out as so many Centinels to watch for them, to give them Notice of the Good or the Evil, Friends or Enemies, coming towards them. They held it, I say, their Duties to declare their Opinions, That such a Man was not their Friend, was unfit to bear Office either in Church or State; and therefore they passed this *Vote*, ‘ That it was

‘ a Thing fit and necessary to be done by them, and An. 17. Car. L.
 ‘ for such they do avow it.’ 1641.

‘ And besides, they thought it fit to give an Account to those who had employed them, the several Counties and Burroughs that had sent them, to give them a *Mark*, by which they might know who were good Men, Lovers of their Country, fit to be entrusted with Offices, or with the Oversight of any Part of Church or State; and therefore they gave Order this *Vote* should be sent down unto all the Parts of this Kingdom.

‘ And lastly, That it might be done speedily, and not stay the Writing out of so many Copies, they gave Order it should be printed, and be attested under their Clerk’s Hand.

‘ The Copies of which three *Orders* your Lordships have in this printed Paper, which the Commons, assembled in Parliament, have commanded me to signify unto Lordships; and that the passing of these *Votes* they do own, they do avow, they do justify.’

With these Reasons, after some Debate, the Lords seemed satisfied.

August 3. The Commons received a Report from their Committee appointed to prepare an Impeachment against the Bishops concerned in making the new Canons, by Serjeant *Wylde*, one of the Knights of the Shire for *Worcestershire*; and, next Day, the said Gentleman was sent with it to the Lords.

Upon delivering the said Impeachment at the Bar, he spoke as follows:

My Lords,

‘ **T**HE Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, being ſenſible of the great Inſelicities and Troubles which the Common-Wealth hath ſuſtained by the exorbitant Courſes of the Biſhops; and knowing well what the Wiſe Man ſaith, *Be cauſe Sentence againſt an evil Work is not executed ſpeedily; therefore the*

Serjeant Wylde’s Speech at preſenting the Impeachment againſt the Biſhops.

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An. 37. Car. 1. 1641. *Heart of the Sons of Men is fully set in them to do*

Evil, (the timely Redress whereof doth better become the Wisdom of a Parliament than a too late woful Repentance) have commanded me to represent unto your Lordships, That

Walter, Bishop of Winchester, *Matthew, Bishop of Ely,*

Robert, Bishop of Coventry and Litchfield, *William, Bishop of Bangor,*

Gosfrey, Bishop of Gloucester, *Robert, Bishop of Bristol,*

Joseph, Bishop of Exeter, *John, Bishop of Rochester,*

John, Bishop of St Asaph, *John, Bishop of Peterborough,*

William, Bishop of Bath and Wells, *Morgan, Bishop of Landaff,*

George, Bishop of Hereford, *Together with*

William, Archbishop of Canterbury (),*

and others of the Clergy of that Province, at a Convocation or Synod for the same Province, begun at London, in the Year 1640, did contrive, make, and promulge several *Constitutions* and *Canons Ecclesiastical*, containing in them divers Matters contrary to the King's Prerogative, to the Fundamental Laws and Statutes of the Realm, to the Rights of Parliament, to the Property and Liberty of the Subjects, and Matters tending to Sedition and of dangerous Consequence.

And, to add more Weight and Efficacy to this their monstrous Designs, they did, at the same Synod, under a specious and fair Title, grant a *Benevolence*, or Contribution, to his Majesty, to be paid by the Clergy of that Province, contrary to Law. It rested not there; for though this had been enough to have affrighted and terrified the King's People with strange Apprehensions and Fears; yet, that these might not seem to be Contrivances of the Brain or Fancy only, they were put in Execution, and were executed upon divers with Animosity and Rigor,

(*) The Surnames of these Bishops were *Curl, Wright, Goodman, Hall, Owen, Piers, Cole, Wren, Roberts, Skinner, Warner, Owen, and Laud.*

gor, to the great Oppression of the Clergy of this An. 17. Car. I. Realm and other his Majesty's Subjects, and in Contempt of the King and of the Law. 1641.

' Whether those Persons, my Lords, that are culpable of these Offences, shall be thought fit to have an Interest in the Legislative Power, your Lordships Wisdom and Justice is able to judge.

' But, for these Matters and Things, the Knights, Citizens, and Burgesses of the Commons House in Parliament, in the Name of themselves and of all the Commons of *England*, do impeach the said Bishops before-named, of the Crimes and Misdemeanors before expressed; and do therefore pray, That they may be forthwith put to their Answers in the Presence of the Commons, and that such further Proceedings may be had against them, as to Law and Justice shall appertain.

August 4. The Commons were busy in raising and borrowing Money to pay the *Scots* Army, without which they would not move one Step back towards their own Country; but promised, upon the Receipt of it at *Newcastle*, they would not stay under any Roof till they were out of the Kingdom. In collecting this Money, we find that the Poll-Tax came in very slowly, particularly in the City of *London*; and an Order was made for the Lord Mayor and Aldermen to hasten that Collection, as they would answer the contrary at their Peril. Order for hastening the Payment of the Poll-Money.

August 5. A Message from the Lords to desire a Conference on a former Message from the Commons, concerning a *Custos Regni*, or *Vice-Roy*, in the King's Absence: Mr. *Pymme* reported it back to the House. Conference concerning the Appointment of a Vice-Roy, in the King's Absence.

' That the Lord Privy Seal told them, That Commissioners were to be appointed in the King's Absence to pass the following Bills:

1. *The Act of Treaty.*
2. *Any Bill for raising Money, as there shall be Occasion.*

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1641.

3. For raising of Forces for Service at Sea and Land, and to resist foreign Invasions and Seditions at home; with all Things necessarily incident thereunto.

4. Any Bill for Tonnage and Poundage, or other Duties upon the Exportation or Importation of Commodities.

5. For the Preservation of the Salt-Petre Mines, and making of Gunpowder for the Defence of the Kingdom.

6. A Power to pass the Bill concerning the eight Subsidies from the Clergy.

A short Act to be drawn to authorize the passing of these Bills.

Mr. Pymme added, that the Lord Say said, 'The Lords intended not to conclude for this House; but that they might add what they should think necessary to be expedited in the King's Absence.' A Committee was immediately ordered to consider of this Affair, and meet this Afternoon about it.

The impeached
Judges forbidden
to go the Circuit.

A Conference was also held this Day between the two Houses, about Commissions being granted to the impeached Judges to go the Circuits; which the Commons urged would be very disagreeable to the several Counties, to have Persons sent down to them, as Judges of Men's Lives and Estates, who are themselves impeached. The Lords considered of this, and ordered the Lord Keeper to take Care, That these Judges, so impeached, should have no Commissions to go the Circuits; and, if any were granted already, to recall them.

The next Day Mr. Glyn reported from the above Committee, 'That this House shall desire the Lords to join with them to pray his Majesty to appoint a *Custos Regni*, in his Absence, according to their former Proposition. That antient and constant Course, from and in all Times, has been always to have a *Locum-tenens*, in the King's Absence, the Parliament then sitting, not limited to any particular Matter.'—More Transactions about disbanding of the Armies in both Houses.

August

August 7. The House of Commons were still very anxious about the King's Journey, the Time assigned for it now drawing very nigh; and actually desired the Lords to join with them, again, to petition for the King's Stay fourteen Days longer; the Reasons for which Mr. *Denzil Holles* delivered, in a Speech to the Lords, at a Conference.

An. 17. Car. I.
1641.

My Lords,

I Am commanded to put your Lordships in mind of what hath passed upon this Occasion before, concerning the King's Journey to *Scotland*, That both Houses did consent to petition his Majesty not to begin his Journey till the 10th of *August*, and to acquaint the *Scots* Commissioners therewith; who afterwards desired this House to express their Resolutions in the Affirmative: Upon which the House of Commons passed a *Resolution*, 'That then, if his Majesty pleased to go, they would submit unto it.'

Mr. Holles presents the Commons Reasons for desiring the King to delay his Journey fourteen Days.

I am commanded to declare unto your Lordships, That the House of Commons is desirous to submit unto his Majesty's good Pleasure in all Things; but such is the present Condition of this Business, as it now standeth, that they are enforced to present some further Considerations unto your Lordships:

First, That, when they gave this Assent, they were in Hopes both Armies would have been disbanded by that Time; but though there hath been all possible Means used to that End, yet it could not be fully effected: So the same Inconvenience doth still continue.

Secondly, The Treaty cannot, in so short a Time, be finished, being returned from *Scotland* but three Days since; but since it is ready to be finished, and Monies are provided, the Armies will be disbanded by the Time we desire his Majesty to take his Journey.

Thirdly, The Distempers and Jealousies of the Kingdom are such, that they cannot be composed by

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An. 17. Ch. 1. by passing some Acts, unless his Majesty stay the desired Time.

‘*Fourthly*, No Course is yet taken for the Government of the Kingdom in his Majesty’s Absence, there being so many weighty Things to be taken into Consideration.

‘Upon these Reasons the House of Commons have thought fit to move your Lordships to join with us in a Petition to his Majesty, to stay his Journey for fourteen Days longer; and we make no doubt but our Brethren in *Scotland* will consider the Strait we are in, and, for our Safety, condescend to our Desires: And if his Majesty yield thereunto, then we shall desire your Lordships to join with us in sending an express Messenger to the Parliament in *Scotland*, for the King’s Stay for that Time; which we hope will give them Satisfaction.’

But, to put an End to any more Petitions of that Kind, in the Afternoon of this Day, the King came to the House of Lords; and, sending for the Commons, his Majesty gave the Royal Assent to the following public Bills:

The Royal Assent given to several Bills.

1. *An Act against divers Encroachments and Oppressions in the Stannary Courts.*

2. *An Act for the securing of such Monies as are or shall be due to the Inhabitants of the Counties of York, and those adjoining, wherein his Majesty’s Army is or hath been billeted, for the Billet of the Soldiers there; as also to certain Officers of that Army, who do forbear part of their Pay, &c.*

3. *An Act for declaring unlawful and void the late Proceedings about Ship-Money, and for vacating of all Records and Processes concerning the same.*

4. *An Act for ascertaining the Limits and Bounds of Forests.* And to seven private Acts.

After this the Lord Keeper made a short Speech, not entered in the Journals; and the King, having bid the Parliament farewell, departed.

When the Commons returned to their House it was, first, resolved, ‘That this House should sit
To-

To-morrow, being *Sunday*, at Eight o'Clock; and An. 17. Car. 1.
ordered Mr. *Sirode* to go up to the Lords, and ac- 1641.
quaint them with it, and to desire their Lordships
to do the same; which the Lords consented to.

Ordered, 'That all the Members of this House,
in regard of the great and weighty Affairs that im-
port the Safety of the Kingdom, do repair hither,
to attend the Service of the Common-Wealth,
with all possible Speed, upon Pain of incurring the
Displeasure of the House for their Neglect.' This
Order was printed, and sent to all the Returning
Officers in the Kingdom. A Call of the House
peremptorily ordered for the 17th Instant.

More Conferences were held, this Day, between
the two Houses, on a joint Petition to the King,
to stop his Journey for fourteen Days longer: The
House of Commons insisted upon this, and though
the Lords seemed desirous to evade it, yet they con-
sented to it the next Morning.

August 8. This Day, being *Sunday*, the Com-
mons went down, by Six o'Clock in the Morning,
to St. *Margaret's Church, Westminster*, and heard
Prayers and a Sermon, and returned to the House
about Nine. *Ordered*, 'That this House shall en-
ter into Consideration of no Business whatsoever
upon this Day, but such as shall immediately con-
cern the Good and Advancement of Religion, and
the Safety of the Kingdom.' And, accordingly,
both Houses agreed in a Declaration, which was
printed and published in these Words:

' **W**HEREAS both Houses of Parliament The Reasons of
' found it fit to sit in Parliament upon the both Houses for
' 8th. Day of *August*, being the Lord's Day, for sitting on a Sun-
' many urgent and unexpected Occasions, concern- day:
' ing the Safety of the Kingdom; they being so
' straitened in Time, by reason of his Majesty's
' Resolution to begin his Journey towards *Scotland*
' on *Monday* following, early in the Morning,
' that it was not otherwise possible for to settle and
' order the Affairs of the Kingdom, either for the
' Go-

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1641.

Government thereof in the King's Absence, or for the present Safety, as was requisite upon these present Necessities: Though the Houses thought it necessary to sit, yet the Lords and Commons, now assembled in Parliament, think it meet to declare, that they would not have done this, but upon inevitable Necessity, the Peace and Safety both of Church and State being so deeply concerned; which they do hereby declare, to the end that neither any other Inferior Court or Council, or any other Person, may draw this into Example, or make Use of it for their Encouragement, in neglecting the due Observation of the Lord's Day.'

They petition the King to delay his Journey.

The Lords sent a Deputation of their Body to the King, to know his Pleasure when the two Houses should wait upon his Majesty with their Petition, who appointed Four o'Clock that Afternoon for the Purpose. Several Reasons were also agreed upon to be given to the Commissioners for Scotland, for staying the King's Journey.

At the Time appointed a Committee of Lords waited on the King at *Whitehall*, with the joint Petition of both Houses, to which his Majesty returned the following Answer:

His Majesty's Answer of Refusal.

THat the Importance of your Desires would require some Time of Deliberation, if the urgent Necessity of the Business did not press the contrary; the same Necessity teacheth me what to answer, which is twofold.

First, and chiefest, Is my public Faith given to my Kingdom of Scotland, to be present at the Parliament; and never any Prince was so strictly bound in Honour as I am to do this.

Secondly, The Urgency of my Affairs there, which indeed are very great.

To comply with both which, I can stay no longer than Tuesday; and so long I think fit to stay, that the Gentlemen of the House of Commons may so hasten the Treaty

Treaty with Scotland, that I may give the Royal Assent thereto, some Time To-morrow; for, otherwise, I shall be forced to pass it by Commission which I leave behind me; but the earnest Desire I have to pass this important Bill, personally, makes me stay thus long, which I know will be very inconvenient to me.

An. 17. Car. I.
1641.

To conclude: I desire your Lordships to remember, that, upon your Requests, I have already stayed one Month, and that you, by public Promise, engaged not to urge my Stay longer than To-morrow; therefore, remembering all Engagements, I expect that ye press me no more in this; and, for the Government of the Kingdom, I hope I shall leave behind me such Commissions as will serve, especially whilst the Parliament is sitting.

The Scots Commissioners also returned an Answer to the Parliament's last Proposal, wherein they enforced the Reasons for his Majesty's Going; and concluded, That the Affairs of that Kingdom were so pressing, as could not, without Danger of irreparable Loss, suffer any longer Delay.

August 9. Both the Houses then went upon getting the Bills ready for the Royal Assent; and the Act for a Treaty of Pacification between the two Kingdoms being finished, and every other Bill made ready with some Precipitation, on *Tuesday, Aug. 10.* the King came to the House of Lords in the Morning, and sending for the Commons, his Majesty gave the Royal Assent to

1. *An Act for the Confirmation of the Treaty of Pacification, between the two Kingdoms of England and Scotland (y).*

Several more
Bills receive the
Royal Assent.

2. *An Act for securing, by public Faith, the Remainder of the Friendly Assistance and Relief, promised to our Brethren of Scotland.*

3. *An Act for bringing in of Gunpowder and Salt-Petre from foreign Parts.*

4. *An*

(y) This Act of Pacification, with the Treaty itself, is printed at large in *Rushworth*, Vol. IV. p. 362, &c.

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An. 17. Car. 1. 4. *An Act for Prevention of vexatious Proceedings touching the Order of Knighthood.*
1641.

5. *An Act for the better ordering and regulating the Office of Clerk of the Market, and for the Reformation of false Weights and Measures.* And to one private Bill.

The King sets out for Scotland. Then the King took his Leave a second Time of the Parliament, telling them, 'That he hoped to use good Expedition in disbanding of both Armies, and would make all Haste he could to return before Michaelmas.' About Two of the Clock in the Afternoon the King set out for Scotland, accompanied with the Elector Palatine, and the Duke of Lenax, who, the Day before, was introduced into the House of Peers as Duke of Richmond.

The first Thing the Commons did, after their Return to their House, was to take into Consideration the Way of putting the Kingdom into a Posture of Defence, and to settle some Order of Government both in Church and State; but nothing particular done in the Business at this Time. They likewise sent up a Bill to the Lords, intituled, *A Subsidy to be granted to the King of Tonnage and Poundage, and other Sums of Money payable upon Merchandizes imported and exported*, which they desired might pass by Commission; and that the same might be issued before his Majesty's Departure out of this Kingdom.

Proceedings in relation to the impeached Bishops.

Aug. 11. The Lords received a Message from the Commons by Sir Arthur Haslerig, to put them in mind of the Impeachment brought up against thirteen Bishops; and to let the Lords know that the Commons were ready to make good the said Impeachment at their Bar, and to appoint a Time when the said Bishops shall make their Answers in that House in the Presence of the Commons.

Upon this Message the Lords fell into a Debate, whether the Impeachment against the Bishops was not

not too general for them to answer; and resolved An. 17. Car. 1. 1641. to have a Conference with the other House about it.

At this Conference the Lord Privy Seal told the Commons, That they had received an Impeachment against thirteen Bishops, delivered at the Bar by Word of Mouth, accusing them of many great Crimes and Misdemeanors, to which they required the Bishops to answer. That these were Matters of great Consequence; and coming from the House of Commons, they were very curious not to proceed, but in a Parliamentary Way, upon good Consideration. That the Charge was in Generals only; and since there were two Ways of proceeding, by Transmission from this House, or a Charge by Word of Mouth; in the latter, the Course is to appoint some of the King's Counsel to draw up particular Charges out of the general. That the Lords would proceed no way till they had acquainted them with it; and desired the Commons to consider, whether they would stand to the Charge already transmitted.

The Scots Army were not yet marched out of the Kingdom; and, upon some heavy Rains which had The Scots Army leave England. occasioned an Inundation, they desired Leave to march through *Berwick*; which was demurred to by the Parliament, and a wooden Bridge ordered to be built for their Passage over the *Tweed*.

August 12. The House of Commons resumed the Affair of the Army-Plot against the Parliament, and voted *Henry Percy* and *Henry Jermyn*, Esqrs. with *Sir John Suckling*, Knt. guilty of High Treason. A public Thanksgiving was also ordered to be observed on the 7th of *September* next, for the happy Conclusion of the Peace.

August 13. The Commons prepared a new Charge against the thirteen Bishops, much in the same Words as before, and sent it up to the Lords by Serjeant *Wylde*.

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1641.

Complaint against
the Capuchins
belonging to the
Queen.

The same Day the Father-Sovereign of the *Capuchin Friars*, belonging to the Queen at *Denmark-House*, with the rest of that Brotherhood, were complained of by the Commons, as dangerous and active in seducing the King's People from the *Protestant Religion*. Hereupon the Lords ordered the Earl of *Dorset* (z) to attend the Queen, and humbly to desire her Majesty, That the said *Friars* may be kept in, and not suffered to go abroad to pervert the People, and draw them to be reconciled to the Church of *Rome*. And further, That the said Earl do send for the Chief of the *Capuchins*, and give him Warning that he obey this Command.

The French, Spanish, and Portuguese Ambassadors desire to hire some of the disbanded Troops.

August 14. On the disbanding of the *Irish Army*, the Ambassadors of both *France* and *Spain* applied to Parliament for Leave to hire several Regiments for their respective Kings, but it was not complied with. The Commons made several Orders for better guarding the *Tower of London*, and the Defence of the other Forts in the Kingdom.

August 16. This Day, being *Monday*, the Royal Assent was given in the House of Lords, by Commission, to a Bill *For granting a Subsidy to the King, with Tonnage and Poundage, &c.* The *Portugal* Ambassador applies to the Lords for a Loan of 5000 Men, for his Master's Service. The *Scots* Commissioners exhibit Interrogatories to the Lords, for Witnesses to be examined against the Earl of *Traguir*, Sir *John Hay*, Clerk Register in *Scotland*, Sir *Robert Spotiswood*, Dr. *Walter Balconquhal*, and Mr. *John Maxwell*, some Time Bishop of *Ross*, whom they pursued as Incendiaries. Commissioners were agreed upon by both Houses to be sent to the Parliament of *Scotland*, with Instructions tending to the Affairs of this Kingdom. Both Houses also agreed to send a Letter to the Mayor of *Hull*, with Orders, That the Ammunition there be not stirred or removed from thence, without the Consent of both Houses of Parliament.

August

(z) Lord Chamberlain of her Majesty's Household.

August 17. The Lords ordered the Impeachment against the thirteen Bishops to be read ; then went into a Debate about it, and came to these Resolutions : An. 17. Car. 1.
1641.

1. ' That the Lords the Bishops who are impeached, may sit in the House, without voting, when it is in debating whether they shall have further Time to answer or not.

2. ' That such of the Bishops who are impeached, shall not sit in the House when the Merits of the Cause are in Debate.'

Afterwards the Time for the Bishops to give in their Answer to the Impeachment, was fixed for the 16th Day of September next.

The same Day the Earl of *Dorset* signified to the House of Lords, ' That he had waited on the Queen, and acquainted her Majesty with the humble Desires of this House, touching the restraining of the *Capuchin Friers* in *Denmark-House* from tampering with and withdrawing the King's People.'

Her Majesty says, ' It is much against her Will that they have gone abroad, or have endeavoured to pervert any from their Religion ; and her Majesty is also very unwilling that any *English* People should resort there to Chapel ; but her Majesty will give Orders to prevent these for the future.'

And the Earl of *Dorset* said, ' He would obey their Lordships Command, and send for the Chief of the *Capuchins* ; and give him a strait Command not to suffer any of the *Friers* to go abroad, nor any *English* People to come to them, or to hear Mass there.'

The House of Commons resume the old Topic of *Popery*, and complain to the Lords, at a Conference, that the Laws for disarming *Popish Recusants* are neglected ; and that many of them are screened by Protections from their Lordships.

August 18. The Lords made an Order, that Mr. Justice *Hayward* shall have Power to search at *Rosebay's* House, the Tavern, and such other Houses, Vaults, and Cellars as were near their House

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An. 17. Car. I. House, that there be no Powder, Arms, or any other Ammunition, to endanger the Safety of both Houses of Parliament. Account to be given of this next Session of Parliament.

Orders of the
Lords concerning
the impeached
Bishops.

That the Bishops might be the better prepared to give in their Answer to the Impeachment against them, it was this Day ordered by the House of Lords, 'That the Bishop of *Rochester*, with one other of the Bishops, may have free Access, twice, unto the Lord Archbishop of *Canterbury*, to speak with him concerning their Answer to the Impeachment brought up against them from the House of Commons, for making a Book of Canons, &c. and they are to speak with the said Archbishop of *Canterbury* about no other Business.'

It was also ordered, 'That the Lords, the Bishops, may have Access unto, and have Copies of all such Acts and Records, as are in any of his Majesty's Courts of Justice and public Offices, which may make for their Defence or Answers to the Impeachments brought against them from the House of Commons.'

The Lords also agreed with the Commons to send down particular Commissions into several suspected Counties there named, to see that the *Papists* in them be thoroughly disarmed; but, as to their granting Protections, they left it to further Consideration.

Commissioners
from both Houses
to attend the
King into Scot-
land.

A Letter to the King, by way of Petition from both Houses, was read, in which *William* Earl of *Bedford*, *Edward* Lord *Howard*, Sir *William* *Airmyn*, Bart. Sir *Philip* *Stapleton*, Knt. *Nathaniel* *Piennes* and *John* *Hampden*, Esqrs. were appointed Commissioners to attend his Majesty in *Scotland*; and that he would graciously permit the said Persons to follow the Instructions there given them by Parliament, viz.

Their Instruc-
tions.

I. 'TO take Care of the Ratification of the Treaty, and of those Acts which concern both Nations, and to bring with them an authentic Exemplification of the same.

II.

II. ' That they see the Commission settled concerning Trade, and of keeping good Correspondency between both Kingdoms for a public Peace, according to the Articles of the Treaty. An. 17. Car. I.
1641.

III. ' To demand Satisfaction for such Debts as shall remain due from the *Scots* unto the *Northern* Counties, for Provision and Monies raised and taken up for the *Scots* Army.

IV. ' To clear the Proceedings of the Parliament of *England* towards the Parliament of *Scotland*, if they shall find any false Reports, which may breed a Misconstruction between both Kingdoms.

V. ' To assure them of the good Affection of the Parliament of *England* in all Things, so far as concerns the Service of his Majesty, and the Peace and Prosperity of both Nations.

VI. ' To certify the Parliament, from Time to Time, of their Proceedings, and of all Occurrences which shall concern the Good of this Kingdom.

VII. ' That they shall put in Execution such further Instructions, as they shall receive from both Houses, and as his Majesty shall approve of.

VIII. ' That they proceed not in the Treaty with the Parliament of *Scotland*, till Warrant and Commission be sent down unto his Majesty, by a Messenger on Purpose, and a Return with the Warrant to pass the Commission under the Great Seal of *England*.'

Ordered, by the Commons, ' That Mr. *Anthony Nichols*, Member for *Bodmyn*, be the Messenger to *Edinburgh*, to carry the Petition, Commission, and Instructions, then read, for his Majesty's Approbation; and that the Sum of 1000*l.* be allowed for the Commissioners Charges.

The last Thing that was done this Day by the Commons, was to make a Call of their House; A Call of the
House of Com-
mons. which we may suppose was very compleat, since there were no Members ordered into Custody, and very few Absentees questioned about it.

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The Lord General order'd forth-
with to disband
the Army.

August 19. A Conference between the Lords and Commons, about the speedy disbanding of the *English Army*, to which the King had given his Consent, particularly the Horse; and an *Order* was made, to be sent to the Lord General, That all further Delays and Excuses set apart, he do, forthwith, disband all the Horse Troops of the Army, before any of the Foot; and command the Officers of them to depart, as a Matter of great Importance to the Common-Wealth. Mr. *Rusworth*, Author of the *Collections*, was sent Post to *York* by the Commons, with this *Order* to the Lord General; and also Letters from the Parliament to the Lord *Fairfax*, Sir *Arthur Ingram*, and Mr. *Malory*, to see this *Order* punctually obeyed.

A Letter sent to
the Sheriffs to
hasten the Poll-
Money.

August 20. A Letter was sent from the Commons to the Sheriffs of several Counties, to expedite the Payment of the Poll-Money; the long Delay and slow Payment of which was declared to be very burthensome and dangerous to the Kingdom, because the King's Army in the *North*, by this Means, remains undisbanded. To order the Sheriffs to remit what Money is in their Hands, immediately, to *York*, for that Purpose.

August 21. Some more *Orders* made about the speedy disarming of *Recusants*; and for raising Money, speedily, for the Use of the Army: After which, and some other Business, both Houses adjourned to

An Order against
Authors and
Printers.

August 24. But nothing material done in either House as this Day, except sending for some Authors and Printers, for publishing Papers and Books offensive to the Parliament. A Committee appointed to inquire into this, and to take some Course for preventing the inordinate Licence of Printing, till a Bill could be got ready for that Purpose.

August 25. A Messenger had been sent down by the Lords, to bring up Dr. *Roger Manwaring*,
Bishop

Bishop of St. *David's*, who returned and said, that he could not be found; on which the Lords *ordered*, That his Temporalities should be seized into the King's Hands, untill the said Bishop should appear, and attend the Commands of that House.

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August 26. A Message was sent up by the Commons, to desire a Conference by a Committee of both Houses, concerning a Recess of Parliament; and to desire also, that their Lordships would sit that Afternoon; both which were consented to.

A Day of Thanksgiving having been appointed, by both Houses, on the 7th of *September*, for the happy Conclusion of the Treaty with *Scotland*, an Ordinance of Parliament was published for that Purpose.

The same Day the Commons received a Petition, presented by the Magistrates and Ministers of *London*, for a Fast; concerning which they agreed to have a Conference with the Lords.

That House took into Consideration the State of the Royal Navy, and found, That the Arrears due to the Officers of the Navy were very great, and the Provisions in the Magazines decayed. That for the guarding of the Narrow Seas this Year, the House of Commons had set forth ten of the King's Navy and ten Merchant Ships, the Charge whereof did amount to 57,000*l.* and for Payment of which there is only advanced 1200*l.* out of the Money granted to the King for Tonnage and Poundage; and considering the Seamen, when they come home, will want their Pay, and are to remain in Pay till they receive their Wages, which will grow to an excessive Charge, unless some Course be taken to provide the said 57,000*l.* Therefore it was *ordered*, That the Farmers of the Customs pay 15,000*l.* a Month to the Treasurer of the Navy, towards the Discharge of that Debt.

August 27. A Letter of Thanks was sent from the Lords to the Earl of *Holland*, Lord General, for his great Care and Pains in disbanding the Army.

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An. 17. Car. 1. A Conference was this Day held between the two Houses, in which the Commons represented to the

1641.

Lords, That since the *Scots* Army was now gone out of the Kingdom, the *English* Army almost disbanded, and that the Plague increases in the Cities of *London* and *Westminster*, and Parts adjoining; they have therefore thought of a Recess for the two Houses, from the 8th of *September* next, to the 20th of *October* following; to which they desired their Lordships Consent. On Consideration of this, the Lords thought proper to propose the Recess to be from the first Date to the 1st of *November*; which the Commons refused for the following Reasons:

A Recess resolved on.

‘As, *first*, the Nature of the Causes which are depending in both Houses, some thereof being for High Treasons, and the Impeachment of the Judges; the Inspection of which Business they desired might be before next Term.

‘*2dly*, The Time of Payment of the Money, promised to the City of *York*, falls out to be before the 1st of *November*; therefore they desire their Lordships to have a Recess only to the 20th of *October* next;’ to which the Lords agreed, and ordered their House to be kept together till the said Recess.

August 28. The Affair of the *French* and *Spanish* Ambassadors hiring Forces from the disbanded *Irish* Army, was considered of by the House of Commons. Upon this Occasion Sir *Benjamin Rudyard* made the following Speech:

Mr. Speaker,

Sir B. Rudyard's Speech against suffering the French or Spaniards to hire disbanded Soldiers.

THis is a Business of great Consequence, and therefore requires a well-advised Resolution. I will put *France* and *Spain* together, and take them both before me; because the Reasons will serve the one and the other, as they stand in relation to us.

‘We are, Mr. Speaker, so bounded by the Nature of our Situation, that we are not so proper to extend ourselves upon the firm Land as our Neighbours;

bours; our Aptitude is rather to balance; which, An. 17. Car. J. 1641. being rightly used, may make the King the great Arbitrer of all the Affairs of *Christendom*, by assisting, withholding, or opposing.

‘*Henry VIII* is an Example of this; he was sometimes on the Side of the *Emperor*, other Times of the *French* Party, according as he saw either Side of the Scales to weigh heavier or lighter. Some might think this to be Inconstancy in him; but it was certainly out of a true and peculiar understanding of his Power.

‘By the present State of *Christendom* it is apparent, That the House of *Austria* begins to diminish, as in *Spain*, so consequently in *Germany*: That the *French* do swell and enlarge themselves; if they grow and hold, they will be to us only *Spain* nearer hand.

‘Alliances do serve well to make up a present Breach, or mutually to strengthen those States who have the same Ends; but Politic Bodies have no natural Affections, they are guided by particular Interest, and beyond that are not to be trusted.

‘Although it may be good Policy to breed a Militia at the Charge of other States abroad, for our own Use and Occasions at home, yet that ought rather to be done amongst Friends of the same Way; and so the *Low-Countries* have been an Academy to us.

‘His Majesty hath now an Ambassador treating with the *Emperor* about the *Palatinate*. If we send away our Men, it will so damp and discountenance the Affairs of the *Prince Elector*, as the World will believe we never had, nor ever shall have, any Intentions to assist him at all.

‘I have observed, for divers Years, that *England* is not so well peopled, but we do want Work-folks to bring in Harvest: Our disbanded Soldiers will least dislike that kind of Work; and if they be speedily dissolved, that Employment will entertain them for the present, and inure them to labour for hereafter.

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‘ Upon these Considerations, Mr. Speaker, I cannot give my Advice to add more Strength to *France*, by weakening both ourselves and our Friends.

‘ As for sending the *Irish* into *Spain*; truly, Sir, I have been long of Opinion, that it was never fit to suffer the *Irish* to be promiscuously made Soldiers abroad, because it may make them abler to trouble the State when they come home. Their Intelligence and Practice with the Princes whom they shall serve, may prove dangerous to that Kingdom; they may more profitably be employed upon Husbandry, whereof that Kingdom hath great Need.

‘ Besides, it will be exceedingly prejudicial to us, and to our Religion, if the *Spaniard* should prevail against the *Portuguese*.

‘ It were better for us he should be broken into lesser Pieces, his Power shivered.

‘ If the King of *Portugal* had desired these *Irish*, I should rather have given my Vote for him than the King of *Spain*, because it will keep the Balance more even. *Spain* hath had too much of our Assistance and Connivance heretofore: I am sure it lost us the *Palatinate*. Now that it is come to our Turn to advise, I hope we shall not do over other Men’s Faults again.

‘ If the present Government of *Ireland* be not able to restrain their disordered People, there is a Noble Lord already designed to that Charge, who, by his Knowledge in Martial Affairs, and his other great Abilities, will be, no doubt, abundantly capable to reduce them to a due Obedience.

‘ Wherefore, Mr. Speaker, upon the whole Matter, my Opinion is, That we should not be forward to spend our Men; but rather to preserve and husband them for our own Use and Employment; for our Friends, for our Religion.’

After which the House came to these Votes: *Resolved*, upon the Question, ‘ That this House holds it not fit, nor gives Assent, that there should be any Levies of Men in *Ireland*, for the Service of the

the King of Spain; nor in any of his Majesty's Dominions for the French King's Service.' An. 17. Car. I. 1641.

This was confirmed by the Lords, who ordered, That a Letter should be sent to the King to inform him of these Resolutions.

August 30. The Lord Keeper acquainted the Lords, That he had received a Letter from the King, by the Return of their Messenger, Mr. Nichols, which was read in these Words:

Right Trusty and Well-beloved, we greet you well,

Whereas we have understood, by a Petition of both Houses of our Parliament in England, which Anthony Nichols, Esq; hath been employed to bring us, that they have resolved to send down certain of their Members for to see the Ratification of the Treaty of Pacification by the Parliament here; and, to that End, have desired a Commission under our Great Seal; we do not hold it necessary to sign any such Commission, but are graciously pleased to give Leave to the said Members to come and attend us here in Scotland, to see the Ratification of the said Treaty, and what else belongs thereunto. And this we require you to signify to both the Houses from us. The King's Letter relating to the Scots Treaty.

Given under our Signet at the Court at Edinburgh, the 25th Day of August, in the 17th Year of our Reign.

After the reading of this Letter, the House resolved to communicate the Contents of it to the Commons. Mr. Nichols also brought with him the King's Reasons for refusing to grant a Commission, which were as follow:

1. 'His Majesty conceives the Treaty of Pacification, between the two Kingdoms, is already ratified by the Parliament of Scotland.
2. 'It would be a Means to keep his Majesty longer there, longer than he intended to stay.
3. 'For if this Commission should be granted, it would beget new Matter.

4. 'That

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4. 'That the *Scots* Army is over the *Tweed*; and that the Lord General hath almost disbanded all our Army, and hath begun with the Horse.'

These Reasons seemingly contented both Houses, for we hear no more of the Matter from either of the *Journals*.

The French Ambassador insulted.

Upon Information that the *French* Ambassador and his Servants had been lately assaulted in his own House, by a Company of rude insolent People, to his Excellency's insufferable Wrong, Injury, and Dishonour; the House of Lords made an *Order* to find out the Malefactors and punish them severely, for a Fact so much to the Dishonour of the King and Kingdom.

A Letter from the Lord General was communicated to both Houses, intimating, That he would pursue the Orders of Parliament in disbanding the King's Army; but that he understood the *Scots* would keep up 5000 Men undisbanded, untill our Army be wholly disbanded, and the Fortifications at *Berwick* and *Carlisle* slighted. That he had received Directions from the King to effect this, and remove the Ammunition and Ordnance from thence.

An Ordinance for
disarming Recu-
sants.

An *Ordinance* of Parliament was agreed to by both Houses, for the speedy disarming of all *Papish Recusants*. The Reasons given for it were, the King's Absence in *Scotland*, the intended Recess of Parliament, and the late Troubles not yet settled.

Commissioners were nominated for every Shire in *England* and *Wales*, to see this *Ordinance* duly put in Execution.

August 31. This Day the House of Commons began their first Reformation in Church Affairs, and came to a *Resolution* 'That this House holds it fit, that the Church-Wardens of every Parish Church, or Chapel, do forthwith remove the Communion-Table from the East-end of the Church, Chapel, or Chancel, where they stand Altarwise, and place them in some convenient Place of the Church or Chancel; and take away the Rails and level

level the Chancels, as heretofore they were before An. 17. Car. I.
the late Innovation. 1641.

September 1. Some further Regulations, as to Churches, were made by the Commons, with this Preamble to them: 'Whereas divers Innovations, in or about the Worship of God, have been lately practised in this Kingdom, by enjoining some Things and prohibiting others, without Warrant of Law, to the great Grievance and Discontent of his Majesty's Subjects; for the Suppression of such Innovations, and for the Preservation of the Publick Peace, it is this Day ordered by the Commons assembled in Parliament:

Resolutions relating to the Communion-Table, Crucifixes, the Lord's Day, the Common Prayer, &c.

Then follows the Resolution of Yesterday; and next,

'That all Crucifixes, scandalous Pictures of any one or more Persons of the *Trinity*, and all Images of the Virgin *Mary*, shall be taken away and abolished; and that all Tapers, Candlesticks, and Basons be removed from the Communion-Table.

'That all corporal Bowing at the Name of *Jesus*, or towards the East-end of the Church, Chapel, or Chancel, or towards the Communion-Table be henceforth forborne.

'That the Lord's Day shall be duly observed and sanctified; all Dancing or Sports, either before or after Divine Service, be forborne and restrained; that the Preaching of God's Word be permitted in the Afternoon, in the several Churches and Chapels of this Kingdom, and that Ministers and Preachers be encouraged thereunto'

These *Orders* were also to be strictly observed in both the Universities; and all Mayors, Sheriffs, Justices of the Peace, &c. were enjoined to see them put in Execution.

But a Debate arising, Whether an Addition, relating to the Book of Common-Prayer, should be made to these *Orders*, the House divided, and it was carried, in the Affirmative, 55 against 37.

Resolved, upon the Question, 'That the Committee, Yesterday appointed to prepare an *Order* for

An. 17. Car. I. for taking away all Superstition, shall take into
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Consideration to propound unto the House an Addition to the *Order* for preventing all Contempt and Abuse of the Book of Common-Prayer, and all tumultuous Disorders that might arise in the Church thereupon (a).—So that, by the Thinness of the House, the Church-Party got the better at this Time.—Adjourned to

Sept. 6. The Lords ordered three of the Rioters, concerned in attacking the *French* Ambassador's House, to be committed to *Bridewell*; to stand in the Pillory and be publicly whipp'd before the said House; and afterwards ask his Pardon on their Knees: But, at the Instance of the Ambassador, the Whipping was remitted. Complaint was also made, That the *Portuguese* Ambassador's Chapel, in *Lincoln's-Inn-Fields*, had been since assaulted by the Mob.

The Thanksgiv-
ing-Day for the
Peace observ'd.

Sept. 7. Was the Day of Thanksgiving, when both Houses kept it with great Solemnity; the Lords at the Abby Church at *Westminster*, and the Commons at the Chapel in *Lincoln's-Inn*, because the Bishop of *Lincoln* had framed a set Form of Prayer to be used in *St. Margaret's, Westminster*, where the House of Commons were wont to meet; which they conceived that Bishop had not Power to do.

Sept. 8. Seems to have been a busy Day with the Commons, but nothing very material to our Purpose done at it; except sending up, at a Conference, their former *Orders* about a Reformation in Churches; the first three of which the Lords having taken into Consideration, came to these *Resolutions*.

First, 'That where there are Rails, already, they are to be removed with the Communion-Table; but where there are none, they shall not be enforced upon any; and that all Steps in the Chancel, raised within these fifteen Years, shall be removed.—

Secondly,

(a) This Resolution is represented in a very different Manner by *Nalson* and *Rushworth*: But it stands thus in the *Journals*.

Secondly, 'That Crucifixes, and scandalous Pictures of the *Trinity*, be abolished, without Limitation of the Time since their Erection; and all Images of the Virgin *Mary* set up within thirty Years last past. — *Thirdly*, 'As to the Ceremony of Bowing at the Name of *Jesus*, it shall not be enjoined nor prohibited to any one.'

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The same Day the Commons went one Step farther in their intended Reformation, by ordering 'That it shall be lawful for the Parishioners of any Parish, in the Kingdom of *England* and Dominion of *Wales*, to set up a Lecture and maintain an Orthodox Minister, at their own Charge, to preach every Lord's Day, where there is no Preaching; and to preach one Day in every Week, where there is no weekly Lecture.

On a Division, Whether Col. *Ashburnham* and Col. *Pollard*, who had been voted to be concerned in the late Army-Plot, should have their Pay? it passed in the Negative, 49 against 41.

Farther Proceedings as to Colonels
Ashburnham and
Pollard.

Lord *Clarendon* gives us the following Account of the Debate on this Question: 'Very many passionately alledged, 'That such Men ought not to receive their Pay, who had forfeited their Trust.' Yet there wanted not many who alledged, 'That they had the Security of an Act of Parliament for their Payment; and that, in Justice, it could not be detained from them: That tho' they lay under the Displeasure of the House, they were so far from a Judgment yet, that there was not so much as a Charge against them, but that they were at Liberty under Bail; and therefore they could not be said to have forfeited any Thing that was their own.' In this Debate the House seem'd equally divided, till one (b), who knew well what he said, told them, 'That there could not be any reasonable Pretence for detaining their Due, as well for the Reasons that had been given, as, that they were absolutely pardoned by the late Act of Oblivion and Pacification between the two Kingdoms.'

(b) Mr. *Selden* was the Gentleman here intended.

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'doms.' The which was no sooner said, than many of those who were before inclined to the Gentlemen, changed their Opinions, and, without so much as calling to have the Statute read, declared, 'That they could have no Benefit by that Act of Parliament; because then the same might be as well applied to the Archbishop of *Canterbury*.' And so, without further weighing the Law, or the Reason, it was thought sufficient, not only to exclude them from that Benefit, but to bar them from their Money; lest they might be thought to be admitted to it for that Reason, which might prove an Advantage to another, to whom they had no Inclination to be just.—But the Noble Historian takes no Notice of the following remarkable Circumstance, That in the Afternoon of the same Day, the Motion concerning these Gentlemen being allowed their Pay, was again put to the Question, when it was *resolved*, by 29 against 23, 'That they should have their Pay, notwithstanding any former Order.'

The Contagion of the Pestilence, which had infected the Cities of *London* and *Westminster*, increasing, there were, by the Agreement of both Houses of Parliament, certain *Orders* made to prevent the spreading of the Infection, which were as follows:

Orders relating
to the Plague.

1. 'That the Words, *Lord have Mercy upon us*, with a large red Cross, be set upon the Door of every House infected with the Plague.
2. 'That all the Stuff in the House, where any have been visited with the Plague, be well aired before they be discharged, or the House opened.
3. 'The House visited with the Plague to be shut up, whether any Persons therein do die or not, and the Persons so shut up to bear their own Charges, if they be of Ability.
4. 'No Person to be removed out of any House infected with the Plague, but by Leave of the Magistrate.
5. 'If any Person fly out of any House infected with the Plague, at or before the Death of any in the

the House, such Persons so flying to be pursued by Hue and Cry; and the House where they shall be found to be, shut up, and they returned back to the Place from whence they fled.

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6. ' That the Decree, 40. *Elizabeth*, imprinted, *inter alia*, for the Relief of the Poor, who are driven to live by begging, or to be relieved by Alms, and have been taken into new erected Tenements and divided Houses, be taken into Consideration during the Time of Infection; and the Landlords of such Tenements to be rated, according to the said Decree, with the Parishioners where such Buildings and Divisions are, as if they were dwelling in the said Parish; for that, otherwise, the said Buildings will be an insupportable Charge to the Parish, and the poor People turned out into the Streets in this Time of Infection.

7. ' That the Pavements in the Streets be made sufficient, and so continued, and the Kennels kept sweet and clean, the Soil of the said Streets to be carried away, and all Annoyances to be removed; and such Inhabitants as shall refuse to pay the reasonable Rates assessed on them for Payment of the Scavengers, which shall clean and carry away the Soil, be distrained by their Goods for the Payment thereof.

8. ' That if any Person shall turn out of their Houses any Servant or Lodger, being sick, Power be given to the Magistrate, or Officer, to put them in their said House again, or otherwise the said Persons to provide sufficient Maintenance for them; and, upon their refusing so to do, being able Persons, to distrain the Goods of such Persons, that shall so turn them out of Doors, for the Discharge.

9. ' If, by Order of the Magistrate, any Persons so visited be removed out of their House or Lodging to the Pest-House, or other Place; when they be recovered, and in perfect Health, the said Magistrate to have Power and full Authority to return and settle the said Persons in their Houses or Lodgings, from whence they were so taken out, without Contradiction of their Landlords or any others.

10. ' That

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10. 'That all such Magistrates, or other Persons, that shall be trusted with this Service, may be enabled to do all other Things necessary and pursuant to the Execution of these *Orders*, as Occasion shall require; and be out of the Danger of Misconstruction, seeing they hazard their particular Safeties to provide for the Public.'

Sept. 9. Both Houses went again upon his Majesty's granting Leave to the *French* and *Spanish* Ambassadors to hire and transport *Irish* Troops into their several Countries; and Orders, with Instructions, were made to be sent to their Commissioners in *Scotland*, to be laid before the King, to prevent their Embarkation.

An Order of the
Lords, relating to
Divine Service,
reviv'd.

The Lords went upon settling Religious Affairs; and, on a Division (c) voted 'That an *Order*, made *January* 16, 1640, by that House, concerning Divine Service to be performed, as it is appointed by several Acts of Parliament of this Realm, and all that disturb that wholesome *Order* shall be severely punished, according to Law, &c. be again printed and published. A *Protest* of some Lords is entered in their *Journals* against it: Which *Protest*, as it is the first of this Kind we have yet met with, commands an Insertion; and especially since it is not printed in *Rushworth*.

The Protest of
several Peers against it.

'After the Debate for printing and publishing the
'A *Order* of the 16th of *January* last, [*Here the*
'*Order is recited as before*] it being put to the
'Question, Whether the said *Order* shall be printed
'before a Conference held with the Commons about it, we whose Names are here under-written
'did dissassent: And having, before the putting the
Question,

(c) For the Question, eleven, viz. the Lords *Mowbray*, *Wentworth*, *Cleveland*, *Dunsmore*, *Dover*, *Denbigh*, *Portland*, *Carnarvon*, *Cventry*, and *Newark*, and the Bishop of *Lincoln* (*Williams*), the only one of his Order present. — Against it, nine, viz. the Lord Keeper (*Littleton*), Lord Privy Seal (*Earl of Manchester*), Lord *Hunsdon*, and the six Peers who sign the following *Protest*.

‘ Question, demanded our Right of Protestation, do An. 17. Car. I.
 ‘ accordingly make our Protestation, That we 1641.
 ‘ hold it fit and necessary to have the Consent of the
 ‘ House of Commons in these Things, which con-
 ‘ cern so nearly the Quiet and Government of the
 ‘ Church; and therefore we desired to have a Con-
 ‘ ference with the Commons, before any conclusive
 ‘ Order was printed and published herein; especially
 ‘ the House of Commons having but lately brought
 ‘ to us, and desired the Consent of our House unto,
 ‘ certain Votes of theirs against Innovations, in or
 ‘ about the Worship of God, lately practised in
 ‘ this Kingdom, without Warrant or Law; and
 ‘ therefore to acquit ourselves of the Dangers and
 ‘ Inconveniences, that might arise by the Printing
 ‘ and Publishing of the said Order, as binding to
 ‘ the whole Kingdom, without the desiring the
 ‘ Consent of the House of Commons: We do
 ‘ protest our Dissassents to this Vote, and do thus
 ‘ enter it as aforesaid.’

BEDFORD,
 WARWICK,
 CLARE,

NEWPORT,
 WHARTON,
 KIMBOLTON.

The Lords also sent a Message to the Commons to The Lords desire
 desire a Conference about the Instructions and Or- the Commons
 dinance sent up by the latter this Morning; and, Concurrence with
 also, concerning a Committee to be appointed to the foregoing Or-
 meet; during the Time of the Recess, to receive der;
 and answer the Letters which shall come from the
 Committees in *Scotland*; and to do such other
 Things as shall be desired by the Houses; which
 was agreed to. After this the Lords resolved to have
 another Conference with the Commons, to desire
 them to join with their House in the foregoing
 Order concerning Divine Service; and a Message,
 to that Purpose, was sent accordingly.

We do not find that a Conference was held, be-
 tween the two Houses, on this Subject; but that,
 when the Message aforesaid was received by the
 Commons, they instantly resolved, upon the Que-
 stion, ‘ That this House doth not consent to these
 Orders,

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An. 17. Car. 1. 1641. *Orders*, or to any of them.' And immediately appointed a Committee to draw up a Declaration of their own, against the other; which, being read in the House, was approved on, and ordered to be printed and published (*d*).

Which they absolutely refuse.

Both Houses appointed Committees, during the Recess; for the Lords there were the

Names of the Committee appointed to act during the Recess.

Lord Keeper,	Earl of <i>Clare</i> ,
Lord Privy-Seal,	Earl of <i>Denbigh</i> ,
Lord Chamberlain,	Earl of <i>Cleveland</i> .
Earl of <i>Warwick</i> ,	

Those for the Commons were

Mr. <i>Pymme</i> ,	Mr. <i>Holland</i> ,
Sir <i>Gilbert Gerrard</i> ,	Mr. <i>Winwood</i> ,
Sir <i>John Frankland</i> ,	Mr. <i>Scawen</i> ,
Sir <i>John Colepeper</i> ,	Mr. <i>John Goodwin</i> ,
Mr. <i>Wheeler</i> ,	Sir <i>Thomas Dacres</i> ,
Sir <i>Henry Mildmay</i> ,	Mr. <i>Morley</i> ,
Mr. <i>Bridgeman</i> ,	Mr. <i>Henry Martin</i> ,
Sir <i>Thomas Bowyer</i> ,	Mr. <i>Arthur Goodwin</i> ,
Sir <i>Thomas Barrington</i> ,	Sir <i>John Clotworthy</i> ,
Sir <i>Edward Hales</i> ,	Mr. <i>White</i> ,
Sir <i>William Litton</i> ,	Mr. <i>Sollicitor, St. John</i> ,
Sir <i>Richard Cave</i> ,	Mr. <i>Spurflow</i> ,
Mr. <i>Robert Goodwin</i> ,	Mr. <i>Laurence Whitaker</i> ,
Sir <i>Samuel Luke</i> ,	Mr. <i>Serjeant Wyld</i> ,
Mr. <i>Wingate</i> ,	Mr. <i>Strode</i> ,
Sir <i>Robert Pye</i> ,	Sir <i>Henry Vane</i> ,
Alderman <i>Soames</i> ,	Mr. <i>Glynn</i> ,
Alderman <i>Pennington</i> ,	Sir <i>Symonds Dewes</i> ,
Captain <i>Venn</i> ,	Sir <i>William Drake</i> ,
Mr. <i>Vassal</i> ,	Mr. <i>Beddingfield</i> ,
Lord <i>Falkland</i> ,	Sir <i>Gilbert Pickering</i> ,
Captain <i>Rainsborough</i> ,	Mr. <i>Blakeston</i> ,
Mr. <i>Bente</i> ,	Mr. <i>Waller</i> .
Sir <i>Peter Wentworth</i> ,	

These

(*d*) This Declaration is, at large, in *Roßworth's* and *Nelson's* Collections.

This Committee of the Commons was to act according to the following *Instructions*: Ann. 17. Car. 1.
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‘To meet on *Saturday* next, in the *Exchequer-Chamber*, at Nine o’Clock in the Forenoon, and every *Tuesday* and *Saturday* in every Week, and at such other Times as they shall think fit, during the Recess; and they, or any six of them, to have Power to meet with the Committee of the Lords, appointed during their Recess, at such Times as they shall appoint. Their Powers.

‘To have Power to receive and open such Letters as shall come from the Committees in *Scotland*; and to give Answers according to the former *Instructions* and *Orders* of this House.

‘To take care that the *Orders* of this House be punctually observed, concerning the Disbanding of the Army, Train of Artillery, and Garrisons; and for the issuing and sending down of Money for those Purposes accordingly.

‘To have Power to recall the Committees in *Scotland*, if they see Cause.

‘To have Power to go on in Preparation of Proceedings against the Principal of such Delinquents as are already voted or complained against in the House; and to report any Offers which they shall make to the House.

‘That upon Information of any Riots or Tumults, to have Power to send to all Sheriffs, Justices of Peace, and other Officers, to stir them up to their Duty in repressing them; and to report to the House any Failure of Obedience to such sending.

‘To examine the Entries of the Clerk’s Book; and, to that End, that the Committee may not mistake any past Action of the House, a Clerk to be left there with his Books.

‘To take care of the Preparation of his Majesty’s Revenues; and to take into Consideration any Accounts to his Majesty.

‘To go on in Prosecution of the Consideration of a *West India* Company.

‘To take into Consideration the Fishing upon the Coasts of *England*, *Scotland*, and *Ireland*.

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An. 17. Car. 1.
1647. * To take into Consideration the *Resolution* of the Abuses in exchanging and transporting of Money, and the regulating of the Par between this and other Kingdoms.

* To prepare the *Irish* Causes depending, to be either, at the Access, transmitted to the Lords, or recommended to the *Irish* Parliament.

* To consider about Salt-petre and Gun-Powder.

* To send for any Persons, Writings, and Records.

* To prepare a Discharge for the Earl of *Warwick*, according to those Acquittances he hath given concerning the *Northern* Counties.

Both Houses adjourn.

This Day also the Lords ordered, That the Impeached Bishops should bring in their Answers to the said Impeachment on the 10th of *November*: After which both Houses adjourned themselves to the 20th Day of *October* next ensuing.

Whistocke writes, * That the State of Affairs, in the Recess of Parliament, seemed to be in a Calm, but soon broke out into hideous Storms, which threatened the long enjoyed Peace of the Kingdom. That Discontents at Government, and Divisions in Opinion concerning Religion, put the whole Kingdom into a Spirit of Division and Contradiction. Insolences and Disorders, unpunished or connived at, mightily increased; the Successes of the *Scots* animated other Subjects to illegal Pretences and impious Actions; and, what made Things infinitely worse, in this Time of the King's Absence in *Scotland*, the *Irish* Rebellion broke out.

How far the Account of this last Affair came before the *English* Parliament, will fall in the Sequel.

E. Wallis 11/12/47.
The END of the NINTH VOLUME.